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EFFECTS OF ORGANIZATIONAL STRUCTURE ON AMERICAN ENEMY
PRISONER OF WAR OPERATIONS

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE

by

GWYNNE R. TUCKER, MAJ, USA
B.A., Furman University, 1975
M.S., Central Michigan University, 1982

Fort Leavenworth, Kansas
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Title of thesis: Effects of Organizational
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Approved by:

Jack J. Gifford, Thesis Committee Chairman
Jack J. Gifford, Ph.D.

Tracy L. Spencer, Member, Graduate Faculty
MAJ, Tracy L. Spencer, M.A.

Robert D. Ramsey, Member, Graduate Faculty
LTC, Robert D. Ramsey, M.A.

Accepted this 1st day of June 1990 by:

Philip J. Brookes, Director, Graduate Degree
Philip J. Brookes, Ph.D. Programs

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ABSTRACT

EFFECTS OF ORGANIZATIONAL STRUCTURE ON AMERICAN ENEMY
PRISONER OF WAR OPERATIONS, by Major Gwynn A. Tucker,
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This study is an historical analysis of American enemy prisoner of war operations. In historical context, the study reviews types of organizational structures established, quality and effectiveness of guard and management personnel, flexibility of the organizations, the impact of international law, political (domestic and international) interference, and the results achieved in objective and subjective terms. The criteria used in the historical organization analysis is also applied to current Enemy Prisoner of War doctrine and organizations.

The study comments on the success or failure of prisoner of war operations during the major U.S. conflicts -- Revolutionary War, War of 1812, Mexican War, Civil War (Union and Confederacy), Spanish-American War, World War I, World War II, Korean War, and the Vietnam War. In addition, the study concludes that the United States has attempted to mitigate the effects of captivity on the individual prisoners of war with varying degrees of success. The primary factors affecting success were the type of organizational structure created to manage prisoner of war operations, the quality of personnel selected to perform guard duties, and the flexibility of the organization in meeting and overcoming adversity. Measures used to determine successful operations include death and escape rates of prisoners of war, impact of escaped or violent prisoners on combat zone operations, guard to prisoner ratios required to maintain order, and the ability of the United States to eliminate the threat of political exploitation of prisoners of war.

The study concludes with doctrinal, force structure, and further study recommendations to improve the ability of the United States to humanely maintain enemy prisoners of war in a variety of potential areas of conflict.

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CHAPTER I

INTRODUCTION

Andersonville. Kojedo. Simsbury Mines. Elmira. Pittsfield. Fort Oglethorpe. Point Salinas. All were American prisoner of war camps. They, like the other prisoner of war facilities, achieved varying levels of success or failure. It appears easy to create successful organizations and operations by imitating past success and correcting past faults. However, combat operations are not conducted in a vacuum and the circumstances and operating conditions change from conflict to conflict. Prisoner of war operations, by definition, occur only in wartime and are not available for ongoing study in peacetime. Therefore, to create and validate organizations in the U.S. Army capable of conducting successful prisoner of war operations requires an historical analysis of American prisoner of war operations.

The purpose of the review was to identify the factors which contributed most to successful operations and those which hindered operations. In historical context, I considered factors such as types of organizational structures, quality and effectiveness of guard and management personnel, flexibility of the organizational structure, the impacts of international law, political interference

(domestic and international), and the results achieved. I extended this technique to briefly evaluate current Enemy Prisoner of War doctrine and organizations.

A. Background. The prisoner of war's lot is not an easy one. He is held against his will, not for any particular misdeed, but for what he stands. Capture denies his nation an asset as surely as death or wounding. His capture also provides the captor a possible political advantage and a ready means of reprisal for atrocities. The prisoner of war rarely has any influence over living conditions or his term of imprisonment.

Since the prisoner of war is vulnerable, the manner in which nations treat prisoners of war is one mark of their maturity or level of civilization. As a nation "grows up," it subscribes, at least verbally, to a treatment of prisoners of war agreed upon by most nations. These agreements form a major portion of the body of International Law known as the Laws of War. Nations often adhere to these principles even if they have not signed the conventions.

Although not proven, it is presumed that in the earliest conflicts, the victors slaughtered their captives to show the futility of resistance. When it became economically viable, victors enslaved losers. Roman legions made it a practice to sell the captives, and thus paid in large measure for their military victories with the toil of the

conquered. The sale of prisoners gave way to ransom, a system that restored freedom to captured soldiers and provided the victor a profit.

From the collapse of the Roman Empire to the Enlightenment, the general practice was to ransom knights, royalty, and persons of importance while enslaving and selling others. With the rise of national armies, the treatment of captured soldiers shifted. Leaders recognized that most soldiers were opponents only by the actions of their leaders and should not be unduly exploited. In the 18th Century, Montesquieu and Rousseau championed basic human rights of prisoners of war and enlarged the conscience of the emerging nations. By the late 1700's, nations generally held soldiers prisoner until their exchange or release upon the cessation of hostilities. Officers were normally paroled or held under house arrest.¹

Since the first resolution of the Continental Congress on the treatment and disposition of enemy prisoners of war on November 17, 1775², the United States tried to manage the treatment, care, feeding, and protection of enemy prisoners of war in a logical, humane, and military manner. The various organizations created to accomplish this often reflected the typical organizational structures of the government agencies at the time.

How well these organizations succeeded in performing their tasks depended, in great part, on preparation,

training, and external support. However, the most important prerequisite to their success was the ability of the organization to adapt to changing situations. As warfare changed, so did the number, type, condition, and nature of the prisoners. The organization charged with the well-being of the enemy prisoners of war had to be flexible, up-to-date, and efficient. The organization structure in place before a war or created during the war determined the success or failure of the prisoner of war operation.

B. Limitations. I limited this study to the accuracy and availability of existing materials and statistics. The record-keeping systems of the U.S. Army grew in detail and consistency over its history making the research more thorough as history unfolds. The existence and availability of diaries, letters, and articles written by participants greatly augment official records (staff manuals, Regulations, General Orders, and after-action reports) and reduce the impact of this limitation on the study of even the earliest American conflicts.

The necessity not to use classified materials limited the research for the later conflicts - Korea, Vietnam, and Grenada. Although some of the pertinent materials might have been de-classified upon request, time allotted was not sufficient to obtain favorable results. As more materials become available in an unclassified form, future researchers

can expand on this paper. I feel this limitation has negligible impact because numerous unclassified sources corroborate all findings.

The most serious limitation is the unreliability and unavailability of casualty statistics, especially for the earliest wars. Evidence and casualty figures are often contradictory and misleading. For prisoner of war casualty statistics, the basis for the confusion appears to be the nature of the collection and representation of the data. First-person, "I was there," accounts are particularly damaging in this regard. The "official" casualty statistics published by The Adjutant General's office or the Medical Department are also confusing because the means of identifying, counting, and presenting casualty information changed over time. The unavailability of casualty information by installation or cantonment area precluded a thorough camp-by-camp comparison and analysis.

C. Delimitations. I limited this study to the American experiences in managing, controlling, and returning enemy prisoners of war. I did not review enemy experiences with American prisoners of war nor third-party experiences. I may comment on reciprocal treatment, where applicable, but only in passing and not as a major point of organizational success.

I also limited this study to the organizations existent at the outbreak of hostilities or created during

hostilities. I made no effort to provide a step-by-step history of organizational changes between wars. I analyzed American efforts during the American Revolution, the War of 1812, the Civil War (both Union and Confederate), the Spanish-American War, World War I, World War II, the Korean War, the Vietnam War, and the Grenada Invasion. I included both sides of the Civil War because both organizations developed out of the same culture but with different structures resulting. I included the experience in Grenada as a "test" of current doctrine and organizational structures.

The third limitation is the absence of "political prisoners" from this study. Although the separation of captured personnel is a major issue, the treatment of political prisoners, like that of traitors, is determined outside the prisoner of war organization. Therefore, I analyzed the process only to the point of separation of prisoners into enemy prisoners of war, traitors (where applicable), civilians, protected personnel (medical and religious personnel primarily), and spies.

The fourth, and most important, limitation I imposed is my restriction to the organization of the prisoner of war camps themselves. This excludes the initial treatment of prisoners upon capture. I imposed this restriction because the soldiers who capture enemy prisoners are not normally organized for their care and maintenance. The Army trains

soldiers on their duties regarding captured enemy soldiers and relies on front-line commanders to ensure compliance with the Laws of War. A concomitant limitation is the routine exclusion of transportation from the front to prisoner of war camps. I cover this issue where necessary for clarity and explanation or where functions overlap.

The final limitation on this study is to restrict analysis of the issues regarding use of prisoners of war as laborers. I discuss the labor issues, primarily use and types of permissible labor, only as they affect overall prisoner treatment or organization structure. Labor issues became points of great contention during the conventions establishing or modifying international law. Although the use, or nonuse, of prisoners for labor affected organizational structures, the decision to use prisoners was essentially political and therefore outside the scope of this paper. In those cases where the government decided to create prisoner labor groups, I addressed the resulting structures.

D. Significance of the Study. A thorough understanding of the success or failure of prisoner of war camps from the past may assist in designing an adequate system to protect and to care for prisoners while reducing the threat they pose to security. Extension of the technique of historical analysis of the impact of organizational structure

to other "service" organizations also may provide better structures for future organizations.

A third byproduct of this analysis may be an increased understanding of the role of the prisoner of war in the larger scope of the war. This understanding may become increasingly important if the United States faces soldiers from Communist or religious-based armies in a future conflict. The traditional idea that a prisoner of war is essentially out of the war (other than requiring care, sustenance, and protection) became outmoded in the Korean War. As with Communist soldiers, there is little reason to believe that soldiers of a religious-based army would cease hostilities as prisoners of war. An analysis of the existing organizational structures with lessons learned from the historical experiences of the United States may provide a method for projecting success in future operations.

E. Definitions. In any study of large and broad scope, the terms used are of critical importance, especially when combining disciplines to conduct the analysis. To ensure consistency and to reduce confusion, the following definitions are used in this study.

1. Prisoner of War. A prisoner of war is normally thought of as a soldier, sailor, or airman captured by an enemy and held for parole, exchange, or repatriation upon termination of the conflict. It is a generic term that

includes friendly forces captured by the enemy and enemy forces captured by friendly forces.

Under the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (GPW), other persons are also eligible for treatment as prisoners of war:

a. Members of militias and other volunteer corps commanded by a person responsible for his subordinates, wear a distinctive insignia, carry arms openly, and conduct operations in accordance with the laws and customs of war.

b. Members of armed forces of governments or authorities not recognized by the detaining power.

c. Non-military members who accompany the armed forces provided they carry an identity card that authorizes their service with military forces.

d. Merchant marine members who do not benefit by more favorable treatment under other provisions of international law.

e. Inhabitants of nonoccupied territories who spontaneously take up arms against an invader without forming units provided they carry arms openly and follow the customs of war.

f. Persons belonging to a category described above who enter a non-belligerent third-party

nation and must be interned under international law (numerous restrictions and qualifications apply).³

Two qualifications apply to this study. The first is that "prisoner of war" will include combatants and non-combatants. The second is that although the definition appears clear and straightforward, application of the definition in conflicts proves difficult. Therefore, I will accept the determination of the detaining power at the time rather than provide an historical second-guess. For example, I will accept the United States' determination of who was a prisoner of war in the War of 1812 without attempting to assess more accurately prisoner categories. This approach works because the success or failure of prisoner of war camps is not affected by who is detained.

2. Enemy Prisoner of War. Enemy prisoners of war are prisoners of war meeting the criteria outlined above captured by the United States or its allies. I will use this term to differentiate between policies designed to assist our soldiers who are captured (such as the Code of Conduct) and policies designed to assist in retaining enemy soldiers (such as evacuation from the combat zone). Enemy prisoners of war are generally held, barring their escape, until their exchange, parole, or repatriation.

3. Prisoner of War Camp. A prisoner of war camp is a semi-permanent camp established out of the combat

zone, in the communications zone or the home country. "... for the extended internment and administration...." of prisoners of war.⁴ Prisoner of war camps may be colocated on military bases or they may be separate. They also may be subdivided into enclosures, branch camps, or compounds.⁵

4. Parole. Parole of prisoners was a concept which released prisoners of war conditionally. The conditions varied from conflict to conflict, and even within the same conflict. Typical provisions were that the released prisoner of war could not reenter the conflict (if paroled back to his home country), could not travel more than a specified distance from the site of imprisonment, or must report on a given schedule for accounting purposes. Use of parole relieved the detaining country of the burden of caring for and guarding the prisoner. It was used most often with officers. The practice of paroling prisoners of war virtually ended during the Civil War as the Union realized the utility of forcing the Confederacy to maintain prisoner of war camps.⁶

5. Exchange. Prisoners may be transferred between the two warring parties based on numbers (one for one), ranks (corporal for corporal, one corporal equals three privates, etc.), or other agreed upon formula as determined by the belligerents. Exchanged prisoners normally can reenter the conflict. The belligerent governments

work out the terms of exchange through agreements known as "cartels."

6. Repatriation. Repatriation is the return of prisoners to their home country. Although prisoners of war can be repatriated at any time, there are two significant types of repatriation: (1) upon the conclusion of the conflict, and (2) the return of seriously wounded or sick prisoners. The repatriation of prisoners of war at the cessation of hostilities is a matter of concern during the peace negotiations. Seriously wounded or sick prisoners of war can be repatriated directly to their home country or to a non-belligerent third-party. As a matter of policy, the United States has generally not forced prisoners of war to accept repatriation (World War II excepted), a position implied in the Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949 and exercised, with UN backing, in the Armistice ending the Korean War (over Chinese objections).⁷

7. International Law and the Laws of War. The laws of war are a subset of international law pertaining to conduct during armed conflicts. They are the synthesis and result of European history. As customs and unwritten rules became accepted in most western nations, they were codified under a series of treaties and conventions. They

protected the individual in conflicts recognized to be between nations, not individual citizens or soldiers.⁸

The laws of war not only provide protection to prisoners of war, they also prevent practices and actions that might hinder a return to peace.⁹ Therefore, early (1863, 1874) documents point out that the prisoner of war is not the prisoner of the army that captures him, but rather he is the prisoner of the State.¹⁰

To provide a reference point, a timeline of international law as it applies to treatment, disposition, and handling of prisoners of war is at Figure I. I also refer to the state of international law as an early part of the discussion of each conflict in Chapters III, IV, and V.

8. Organization. An organization is a "... social device for efficiently accomplishing through group means some stated purpose."¹¹ Once created, organizations take on a character of their own and supplant the behavior of individuals because organizational framework limits the choices and decisions of the individuals.¹² Therefore, it is necessary to study the organization as an entity rather than as a collection of individuals.

Although there are many descriptions of the properties of organizations, all include similar, if overlapping, basic elements. Chris Argyris identified four basic properties: a logical foundation, task specialization, chain of

command, and unity of direction.¹³ Max Weber listed the three most important elements of an organization as an allocation of responsibilities, a division of labor, and a hierarchy of authority.¹⁴ Since all the organizations under study have a similar purpose, holding enemy prisoners of war, I used Weber's elements of formal organization structures to establish the framework of my analysis.

Military organizations qualify as formal organizations regardless of the definition. The unique tasks and the violent means used to carry out their missions mark military organizations as a distinct category.¹⁵ Although the military establishment may be distinct, the organizational behavior of its sub-elements is typical of other large, formal, and complex organizations.

Two types of organizational structures must be considered when analyzing the American efforts to hold and maintain enemy prisoners of war. The first is the prisoner of war camp itself. The second is the structure above the camp-level, or the national structure. This study will address both where applicable.

9. Organization Chart. An organization chart is a graphic representation of the formal hierarchy of authority and functions within an organization. It defines the approved interaction between sub-units.

Vertical separation on an organization chart indicates a hierarchy of authority, i.e., who has power over

whom. Horizontal separation indicates a differentiation of function.¹⁶ A solid line shows an authority-subordinate relationship. Two or more solid lines leading upward from a subordinate to multiple superiors suggest a conflict in authority. Dotted lines illustrate approved channels of coordination without recognized power. Robert Townsend called a dotted line an indicator of "...a seriously troubled relationship. It also generally means that an unsatisfactory compromise has been worked out...."¹⁷

Organization charts illustrate only the formal structure and not the informal relationships. Informal relationships are important but the formal structure is the starting point for an analysis of organizational behavior. A thorough understanding of the formal structure is especially critical when dealing with large organizations operating under strict regulation.¹⁸

Unlike other large organizations, military organizations tend to follow the power structure illustrated in the organization chart. Although informal staff authority exists, the widespread knowledge of the actual command structure ensures that all sub-units have recourse to the appropriate power.¹⁹ As with any rule, there are exceptions to the effectiveness of the formal power structure. Where the informal structure assumes great importance, I deal with the dysfunction as a local aberration or discuss the effects

of the conflict between formal and informal structures on prisoners.

10. Effectiveness. The effectiveness of an organization is the "... maximization of return to the organization by all means."²⁰ Effectiveness implies output of a product or a service. Typical measures are number of units produced, number of sales, value of sales made, or number of customers satisfactorily serviced.

In the context of the study of prisoner of war camps, effectiveness is measured in terms of the number of enemy prisoners of war held, number of escapes, number of outbreaks of violence, and impact on political processes.

11. Efficiency. Efficiency measures how well an organization uses its inputs to create its product. Traditional inputs are labor, supplies, power, machinery, and time. Less obvious inputs are organizational credibility and personal contributions of patience, expertise, and power.

In the current study, efficiency is determined by how well the various organizations performed their functions. Measures of efficiency are percentage of enemy prisoners of war dying in the prison camps, number of guards required to maintain order, political cost to the organization, and bargaining position at the time of negotiation for prisoner repatriation. This concept implies two

organizational components: potential efficiency of system design and the level of realization of that potential.²¹

12. Success. On one level, success equals effectiveness plus efficiency. In other words, did the United States hold, maintain, and care for enemy prisoners of war without undue losses of prisoners or guards and without losing political control in the process? The guard/prisoner ratio balanced against the escape rate, death rate of prisoners, rate of serious incidents, and prisoner political influence form objective measures of this type of organizational success. This definition fits the traditional concept that the indicators of success are production levels and the level of satisfaction of clientele and organization members.

On a deeper level, the success of the prisoner of war camps must be defined in organizational terms to fully take into account system processes and management decisions. The key to this approach is considering the organization as "... an adaptive, problem-solving, organic structure."²² Success, then, is determined by how well the organization solved the problems it faced.

An organization has five types of subsystems. The technical subsystem is responsible for the major type of work of the organization. The maintenance subsystem ensures the survival of the organization by socializing members and

enforcing rules. The institutional subsystem handles procurement and disposal with the external environment. The adaptive subsystem anticipates changing forces and handles research, plans, and development. The managerial subsystem adjudicates conflicts and coordinates the activities of all the subsections.²³

For the organization to be successful, the technical and managerial subsections must perform their functions effectively.²⁴ The role of the maintenance subsystem often is undervalued. In an organization that must bring in new members, such as replacements in a military organization, the socialization and integration of the new members have a great impact on the continuing ability of the organization to perform successfully.²⁵

Warren G. Bennis applies three criteria devised by Theodore Caplow to determine the level of success achieved by an organization:

- (a) Performance of objective functions
- (b) Minimization of spontaneous conflict
- (c) Maximization of individual satisfaction.²⁶

Any determination of success must proceed carefully, however, because it is too easy to view success merely as meeting a goal. Goals are ideals that may be more attractive than reality but may not be attainable. A better

approach is to rate organizations against each other and determine why one is better than the other.²⁷

A prisoner of war camp is similar to cantonment areas located out of the combat zone. The problems of sanitation, accident prevention, and spread of diseases are present in both. Therefore, a valid indicator of success for enemy prisoner of war camps is a casualty rate (sickness and disease) equal to or lower than those of American cantonment areas. This type of measure automatically adjusts itself for the technological advances made over time. The absence or nonavailability of accurate statistical references for individual prisoner of war camps and cantonment areas precluded full development of this idea. Therefore, I used the available information to compare the results of prisoner of war camp operations against non-battle injury and disease rates in the same theater or area of operations.

Another key measure of success is the rate of successful escapes. An excessive escape rate, more than one per two hundred per year, suggests a lack of control. The same lack of control often manifests itself in higher than average accident rates. The rate chosen of one per two hundred per year is somewhat arbitrary (current standards are no escapes at all) but reflect the results of my analysis of the United States' experience in preventing escapes.

The third measure of success is reducing the threat to front-line units posed by the prisoners. The absence of tactical or operational impact by enemy prisoners of war on United States' or allied actions will be viewed as success. As a measure of the cost of security, I will reflect the guard-to-prisoner ratio. A corollary to successful control is the prevention of the political exploitation of the enemy prisoners of war by their home government during the negotiation process or by third-party "protecting powers" (primarily neutral governments or the International Red Cross).

Using Caplow's criteria for success, the three measures described above determine the success of the performance of the objective function of the prisoner of war operation. To measure the level of spontaneous conflict, I will use the reports of violence, excessive force, and maltreatment of prisoners to subjectively rate the success of the organizations. Likewise, to rate the maximization of individual satisfaction, I will subjectively rate the comments of prisoners of war, guards, and later historians to determine the organizational climate. Where available, I will include objective measures such as the desertion rate of the guards and suicide rate among enemy prisoners of war.

For a prisoner of war operation, success is reacting to problems to accomplish the mission (holding the prisoners) while maintaining control over the prisoners and

harmony among the staff. Changes to the organization and its structure must be viewed in terms of their impact on success.

13. Failure. Failure is the inability to achieve success. The absence of any critical element of success creates failure. Therefore, an unacceptable escape rate, an unacceptable death rate, a loss of control over the prisoners, a high level of staff dissension, or an unacceptable level of political leverage wielded by the prisoners or the prisoners' country on their behalf indicates failure.

Failure of a prisoner of war organization creates a "prisoner psychosis" that manifests itself in the victim transferring blame from the system to the individuals present (guards and staff), by a listlessness of attitude, or by an intense hatred of the oppressor.²⁸ Failure of the organization also creates stress on the guards and the camp structure that usually is expressed in violent behavior against prisoners as the situation deteriorates.

F. Methods and Procedures. This thesis takes the form of a compilation of organizational analyses of prisoner of war camps established and maintained by the United States during periods of conflict. The nature of the work required a blending of historical research, legal interpretation, and organizational behavior review. All information used in

this thesis exists in the documents reviewed; I did not create new materials.

The historical research began with an overview of the treatment of prisoners of war prior to the American experience. I conducted this research to place the early American attempts to manage enemy prisoners of war in the proper historical context. This review revealed a sound British heritage of harsh, but equitable, treatment. The British practice of keeping prisoners of war in old jails, prisons, and ship hulks was not lost on the Americans.

I then began research on the American experience during the Revolutionary War. This research indicated that I faced unique problems with each conflict and that these problems were often created by the political situation of the war. For example, a surrender "convention" covered the prisoners of war captured at the Battle of Saratoga and remained a point of contention throughout the remainder of the war because the "convention" terms were different and explicit. Therefore, I decided to approach these distinct cases as anomalies outside the normal organizational structures established to handle enemy prisoners of war. The initial research on the Revolutionary War experience also validated the idea that this thesis would not cover the initial treatment of prisoners upon capture. I concentrate

on the organizations created to maintain enemy prisoners of war for the duration of the conflict.

As the research progressed, I identified a need to review thoroughly the applicable International Law. This review resulted in the legal timeline (Figure I) to place the American experiences in context. This legal review provided a backdrop for analysis of the United States' and the enemies' strategic aims regarding prisoners of war. The legal review was also necessary to understanding handling of enemy prisoners of war in coalition conflicts.

Upon completion of the legal review, I outlined the framework to analyze each conflict. I conducted a study of organizational theory literature and developed definitions for prisoner of war camp success and failure. These definitions combine theoretical concepts with doctrinal measures of performance. Objective indicators are measures of rates of escape, casualty rates, and the guard-to-prisoner ratio necessary to maintain order. By adding one subjective indicator, the level of threat posed by prisoners, I also was able to measure success against the United States' strategic goals.

The organization chart identifies the official reporting channels of the organization and also helps identify outside influences. These outside influences often hinder an organization's performance of its mission. Dual

reporting chains and unofficial supervision indicate a dysfunctional organization.

After developing the measures and definitions of "success" and "failure," I expanded the scope of the study to include the Grenada Invasion, Operation URGENT FURY. It provided the only means of evaluating the Army's current doctrine and organizational structure.

The final process used to analyze the enemy prisoner of war operation in each conflict has eight steps. The eight steps below form the organization for the treatment of each conflict in Chapters III, IV, and V (although the Mexican and Spanish-American War discussions include only applicable steps):

1. Wartime circumstances. This section provides the historical background to the conflict, the nations or forces involved, and the nature of the conflict itself. It also outlines geographic influences on the combatants and their policies regarding prisoners of war.

2. Current International Law. The state of international law at the time of the conflict and the provisions of applicable treaties affected the handling and disposition of prisoners of war. This section also outlines the acceptance or denunciation of the most current provisions of treaties and conventions by the combatants.

3. Strategic aims of combatants. The aims of the combatants influenced prisoner treatment, especially

in the twentieth century. This section summarizes the applicable aims of each involved nation and the impact each aim had on prisoner of war operations.

4. Key enemy prisoner of war issues. In each conflict, the qualifications for treatment as a prisoner of war were influenced by the nature of the conflict, international law provisions, and outside forces. This section outlines these key issues and presents the outcome of the policy deliberations. This section also addresses significant policy decisions which affected prisoner treatment such as use of prisoners for labor, exchange agreements, retribution, and parole provisions.

5. Initial structure for prisoner of war operations. This section describes the structure of the United States' system for handling and disposing of enemy prisoners of war that existed as the United States entered the conflict. It includes those changes made as a result of lessons learned from previous conflicts.

6. Changes in prisoner of war organization during war. During each conflict, the United States made changes to the structure of prisoner of war organizations for political, diplomatic, and military reasons. The causes, effects, and results of these changes are outlined in this section.

7. Summary of enemy prisoner of war operations. The high and low points of American enemy prisoner of war operations during the conflict are summarized in broad scope. The emphasis is on the effects those operations had on the organizational structure, missions, and front-line forces.

8. Determination of success/failure. This section concludes with an analysis of enemy prisoner of war operations during the conflict in terms of organizational success using the measures and definitions outlined above. The subjective conclusion is based on the objective evidence provided.

Figure I

TIMELINE OF INTERNATIONAL LAW

| | |
|------------------|--|
| Pre-Roman Empire | Kill, slaughter prisoners (exception - Hellenistic period, humanity toward prisoners flourishes as "moral") |
| Roman Empire | Enslave, ransom, or kill prisoners; Greeks view Roman warfare as regressive, especially prisoner treatment |
| Middle Ages | Ransom prisoners (at first only knights and nobility, later all) |
| 1179 | Lateran Council - not proper to enslave prisoners (especially Christians) little immediate effect |
| c1550 (Victoria) | Illegal to kill innocents and not proper to kill all of enemy, only defeat them |
| 1625 | Hugo Grotius condenses custom; says nations have right of enslavement but advocates exchange and ransom |
| 1648 | Treaty of Westphalia - released prisoners without ransom at end of war - subsequent peace treaties follow as guide |
| 1730's | Customs become codified as "laws of war" but not signed by nations |
| 1785 | Treaty of Amity and Commerce between the King of Prussia and the United States of America; first agreement by nations at peace over treatment of prisoners |
| 1792 | France decrees that prisoners are under safeguard of holding nation |
| 1805 | Treaty of Peace - U.S. and Tripoli |

| | |
|------|---|
| 1842 | Secretary of State Webster sets U.S. policy in writing |
| 1863 | General Order 100; Francis Lieber's instructions to Union forces; first comprehensive codification given to an Army |
| 1864 | Convention of Geneva only covers wounded |
| 1874 | Brussels convention; used Lieber's document as basis |
| 1880 | Oxford publishes codified International Law |
| 1899 | Hague Conference; first ratified agreement codifying treatment of prisoners |
| 1907 | Hague Conference; update of 1899 and used in World War I by most |
| 1929 | Geneva Convention; expected to be followed by all nations regardless of ratification |
| 1949 | Geneva Convention; updates 1929 Convention; adds treatment of civilians; incorporates lessons of War Crimes Trials |
| 1977 | Additional Protocols I and II to 1949 Geneva Convention; clarified and expanded protection to be afforded during "international armed conflicts"(I) and "non-international armed conflicts"(II) in response to insurgencies and other "conflicts" post-World War II |

CHAPTER II

REVIEW OF LITERATURE

A. Introduction. The literature used in this thesis falls into three distinct categories: the development of the applicable international law, organizational theory and practice, and the U.S. Army's prisoner of war operations. Materials in all three areas are extensive and cover a wide range of approaches and attitudes. I will briefly discuss the literature reviewed and comment on the works that contributed most to my conclusions. A complete Bibliography follows Chapter VI.

B. Development of International Law. Many available texts outline the significant changes in international law regarding the treatment of prisoners of war. Most of the materials are very legalistic and devoid of the kinds of situations that arise on or near the battlefield. This poses a severe limitation to a researcher attempting to analyze the ethical dilemmas facing soldiers on the front lines, but for a study of the prisoner of war camps and organizations the literature is quite complete.

Most useful was The Law of War: A Documentary History - Volume I edited by Leon Friedman. It not only provides the texts of documents and treaties dealing with the treatment of prisoners of war, but also provides

introductory and explanatory comments to place the documents in historical context. From comments on the Treaty of 1785 between the United States and Prussia to an analysis of the implications of the Vietnam War Crimes trials, Mr. Friedman's comments add significantly to the worth of the documents themselves. Unfortunately, Telford Taylor, in the Forward to the same book, downplays the effectiveness of the laws of war and predicts a gloomy future for international law in conflicts between nations. Mr. Taylor's attitude and approach were probably unduly negative because of the then recently completed Mylai trials.

Documents on Prisoners of War is Volume 60 of the Naval War College International Law Studies. Howard S. Levie of Saint Louis University Law School selected the documents included and provided annotations and comments where needed. It includes documents as diverse as The Bible, The Koran, treaties, General Orders of the U.S. Army, and the Decree of the Third Lateran Council. The volume is the distillation of the Western heritage of treatment of prisoners of war.

Prisoners of War, by Herbert C. Fooks, provides a look at the actual treatment afforded prisoners. The author was in France with the U.S. Army during World War I and had the opportunity to witness the treatment of prisoners. He later attended Law School and began his treatise as a school project. The look through both the soldier's and lawyer's

eye makes this work valuable and helps explain the captor's dilemma when proper treatment of prisoners becomes difficult or impossible.

In 1942, William E. S. Flory wrote Prisoners of War: A Study in the Development of International Law. He wrote it to dissuade the American people from a growing belief that the new "totality" of war rendered international law obsolete. The large numbers of prisoners taken in World War II made violations of the laws almost a certainty, but Mr. Flory argued that violations do not void the law nor give the victim's country the right to abrogate its own responsibilities. He also included arguments against the then-current idea that nations should be classified by their level of civilization and their soldiers treated accordingly if captured.

Geoffrey Best, in Humanity in Warfare, treats prisoner of war issues against the greater backdrop of warfare in general. His interspersed comments on prisoners of war reduce the humanitarian issues of prisoner of war treatment to a manageable scope while covering the history of warfare. Mr. Best clearly identifies and treats apparent misuses of international law and the ethical and moral dilemmas faced by captors.

Field Manual 27-10, The Law of Land Warfare, clearly summarizes the current policies of the U.S. Army regarding

treatment of prisoners of war. It also clarifies the United States' interpretations of identification of prisoner of war status and the handling of prisoners of war in coalition conflicts. The style of the manual, with a Treaty provision stated and normally explained in less diplomatic language below, makes the manual useful to the soldier, the commander, and the researcher.

Nigel Rodley's The Treatment of Prisoners Under International Law is a history of the development of Human Rights law primarily concerned with torture, ill-treatment, and "disappeared" persons within a country. The book was useful because the development of the applicable international law followed a progression similar to that regarding prisoners of war. Similar problems arose concerning definitions, inspections, applicability, and safeguards. It also is worth noting that international laws protecting citizens from their own governments used the prisoner of war provisions as guidelines. This provided a recent international outlook to the state of prisoner of war protection under international law.

C. Organizational Theory and Practice. The literature on the study of organizations is extensive and varied. The influence of politics at the time of writing pervades many of the otherwise "academic" articles and causes the reader to question the objectivity of the author. This tendency is especially worrisome when dealing with articles

analyzing organizational success and efficiency. Book-length literature, for the most part, overcomes this problem by including political preferences only in the "Forward" or "Preface."

Two books very helpful in outlining the framework for the analysis of prisoner of war camps as organizations were: Joe Kelly's Organizational Behaviour and Fred Luthans' Organizational Behavior. Professor Kelly succinctly describes the Classical Theory, the Systems Theory, behavioral science, and organization viability. His constructs added significantly to my description of organizational success. Professor Luthans not only describes his approach to organizational analysis but includes a summary of other approaches. Professor Luthans juxtaposes discussions of conflict and behavior within the organization against the options available to management.

Peter M. Blau and Richard A. Schoenherr carefully analyze the structure of organizations and provide prescriptions for other organizations in The Structure of Organizations. Their descriptions of decentralization and differentiation of duties are especially helpful. I use many of their definitions in this thesis. A significant detractor from use of this book, however, is their mixture of political commentary with sociological analysis.

Handbook of Organizations edited by James G. March contains several articles relevant to this thesis. Of particular interest are Kurt Lang's "Military Organizations" and Donald R. Cressey's "Prison Organizations." These articles, together with Professor March's comments, provide a basic understanding of the place of military and prison organizational structures in the professional literature.

The discussion of "efficiency" (effectiveness or success) in The Social Psychology of Organizations by Daniel Katz and Robert L. Kahn is thorough and illuminating. The impact of the person on the organization and the organization's impact on the person receive great attention and examples of a "totality of roles" (where the organization assumes possession of what normally are individuals' roles) are the military and the prison. Dealing with prisoner of war camps was especially easy using its terminology and constructs.

Amitai Etzioni's analysis of power and its functions in Modern Organizations helped define the roles of prisoners and their guards. Also of great importance is his proposition that success should not be viewed as meeting organizational goals because those goals tend to be lofty ideals.

Concepts and Controversy in Organizational Behavior edited by Walter R. Nord provides additional analysis of success, power, structure, and group dynamics. Of

particular assistance from this work is Robert Townsend's chapter from Up the Organization on Organizational Charts. Professor Nord's annotations and introductions assist greatly in placing the various authors' viewpoints in a context understandable by laymen.

D. U.S. Army's Prisoner of War Operations. Three types of literature typically exist on prisoner of war camps: official documents maintained during the war; diaries, first-person accounts, official investigations, and diatribes written or published soon after the war; and scholarly analyses written well after emotions have died out. Although some verifiable and factual information can be gleaned from the second type of material, I relied primarily on a combination of the first and third types to try to eliminate bias and inflammatory outlooks from the analysis. Where I did use diaries or first-person accounts, I found material on camp structure or relationships that was not available elsewhere.

Official documents for the earlier wars, through and including World War I, consist mainly of letters, reports, and treaties published in collections or referenced in other histories. For prisoner of war operations during and after World War II, numerous documents are available including regulations, Field Manuals, Letters of Instruction, official reports and investigations, and Army Training and Evaluation Programs.

Two volumes published by the U.S. Army provided summaries of the historical research necessary for the thesis: History of Prisoner of War Utilization by the United States Army 1776-1945 prepared by George G. Lewis and John Mewha and A Review of United States Policy on Treatment of Prisoners of War prepared by The Prisoner of War Study Group. The first provides a brief history of the prisoner of war experience during each war as a backdrop to U.S. policy on using prisoners of war as a labor resource. It's weakness is the lengthy discussion about World War II to the exclusion of more depth on earlier wars.

The Study Group's three-volume effort is exemplary in covering the prisoner of war issues thoroughly and without passion. The Study Group analyzed the prisoner of war experiences of the U.S. Army during each war and portrayed the results against six goals. The sum of these experiences is portrayed as success or failure in the prisoner of war programs. The historical research of the Study Group is not questionable, but their analysis, particularly regarding necessary force structure, is suspect because of their vested interests.

Gerald O. Haffner's doctoral thesis The Treatment of Prisoners of War by the Americans During the War of Independence provides a complete review of American treatment of British prisoners. His analysis of American efforts to

identify correctly prisoners of war and separate them from civilians, political prisoners, and traitors is of particular interest. Dr. Haffner's discussion of the "Convention Prisoners" (those surrendered after the Battle of Saratoga) provides a useful guide to similar anomalies in later conflicts.

The Prisoner of War in the United States During the War of 1812 by Anthony G. Dietz summarizes the actions of the United States during the second war with Great Britain. Although he devotes most attention to the various prisoner cartels (exchanges) and reprisals against prisoners, the book does adequately describe the U.S. Government's efforts to care for and safeguard prisoners under the conventions of war that existed at the time. Dr. Dietz also describes fully the parole procedures used.

The best summary of Civil War prison experiences is William Best Hesseltine's Civil War Prisons. It discusses the prison systems, both Union and Confederate, and concentrates on their successes and failures. His analysis is thorough and articulate. He describes the claims of both governments relating to prisoner treatment and assesses blame where necessary. However, he discusses Andersonville at disproportionate length, caught up in his own "war psychosis" and the Wirz trial. Hundreds of books and articles are available on the Civil War prison experience, but Mr.

Hesseltine provides the most accurate and dispassionate account.

In addition to the two U.S. Army works cited above, the most helpful volume on World War I prisoner of war operations is The United States Army in the World War 1917-1919, a series of reports of the Commander-in-Chief Army Expeditionary Force. The reports detail arrangements made during the war to react to political changes and to recover from inadequate preparation. The Provost Marshal covers the difficulties of operating within a coalition.

The best source for studying World War II prisoner of war operations is the compilation of the Official Histories of the United States Army in World War II. A good summary of American efforts to study the effects of captivity on the individual is Bernard M. Cohen's A Follow-up Study of World War II Prisoners of War. One note of interest regarding the prisoner of war literature of World War II -- the post-war writings by former enemy prisoners tend to be less negative than from other wars. I believe the difference may be found in a combination of political expediency, the relative improvement in the quality of life of the prisoners, and honest efforts made by the United States to treat prisoners of war fairly and honorably.

William L. White's The Captives of Korea: an Unofficial White Paper on the Treatment of War Prisoners, Our

Treatment of Theirs, Their Treatment of Ours and U.S. Army Pacific's Monograph: The Handling of Prisoners of War During the Korean War together describe the problems associated with the prisoner of war experiences of the Korean War. They accurately detail the effects of prisoners of war who are not docile and who have surrendered but not given up. They also discuss at length the problems of coalition warfare under United Nations' auspices.

The most useful presentation of American prisoner of war efforts in Vietnam is George S. Prugh's Law at War: Vietnam. He provides a very good review of the legal problems facing the United States Army in Vietnam and covers the rationale for transferring custody of enemy prisoners of war to the Republic of Vietnam. General Prugh highlights the problems of categorizing captives into prisoners of war, traitors, and civilians.

E. Conclusion. I reviewed numerous documents, manuscripts, articles, and books to provide depth to the analysis and place each prisoner of war experience in the proper historical, legal, and organizational contexts. The literature, as it currently exists, covers the subjects thoroughly and in depth with one exception. The problems associated with prisoner of war operations under coalition warfare need further analysis and presentation. The legal implications are clear but the operational guidelines are almost non-existent.

The use of organizational theory to analyze past experiences of the U.S. Army identified a lack of study of military organizations. Although military organizations are almost perfect line-staff hierarchies and relatively closed societies (the reasons most often cited for not including military organizations in studies), the military could benefit from external critique, especially when dealing with a mission in contact with "clients" from outside the system.

CHAPTER III

PRE-COALITION EXPERIENCES

A. Revolutionary War

1. Wartime Circumstances. The American Revolution saw the full might of Great Britain's history, legitimacy, traditions, army, and navy brought to bear on thirteen disparate, rebellious colonies. It took almost fifteen months from the first clashes at Lexington and Concord (April, 1775) to bring the colonies to the finally unanimous Declaration of Independence (July, 1776).

Great Britain had many advantages. Her navy consisted of over 300 Ships of War. Her army was well-trained, well-equipped, and well-led. She had a population of over fifteen million with established taxation procedures to support the war effort. Her government was sound, supported by the people, and recognized as a power the world over. Separated by water from her enemies, Great Britain did not fear an invasion, but rather, projected power through her navy.

The colonists had no stable government, no navy, no real army, and no international legitimacy or recognition. Their population was three million - but only one-third of these were active rebels. The remainder were evenly split between supporters of the crown and disinterested

bystanders. As colonies of Great Britain, the American Colonies traded almost exclusively with the mother country and had no established credit with potential supporters.

Geography tended to favor Great Britain with one major exception. The important American cities were all coastal towns providing access for British ships. The shortest distance between important strategic towns was almost always by water - the British domain until late in the war. Canada to the north provided a secure base of operations for British forces. The exception, of course, was the three thousand mile-wide Atlantic Ocean separating Great Britain from the rebellious colonies.

Although France formally became an ally of the colonists during the war, the only combined operation of consequence was Yorktown. The colonists received assistance from many individuals of many nations. The British received assistance from European allies, primarily the service of Hessian mercenaries. Probably the most important role of outside parties, however, was the diversion of British attention from the colonies to Europe in the form of a seven-year naval war with France, Holland, and Spain that aggravated the already tenuous supply lines to the British Army in America.¹

2. Current International Law. By 1775, the customs of warfare generally protected the prisoner of war

as an unfortunate who was no longer a threat to the detaining power. Prisoners of war were removed from the area of combat and secured until release, exchange, escape, or death. The Treaty of Westphalia, 1648, set the example of repatriation of prisoners of war without ransom at the termination of hostilities.

In the Eighteenth Century, Vattel, Montesquieu, and Rousseau wrote of the humane treatment that civilized nations afford prisoners of war. Although not signed and ratified by the nations of the world, Rousseau's writings were codified during the 1760's and were accepted in practice by the European nations. Civilized nations recognized the status of prisoners of war as part of their recognition of belligerency.²

Although the unofficial codes did not prescribe in detail appropriate prisoner of war maintenance requirements, the practice of the time was to parole officers to living quarters within a specified area and to house enlisted soldiers in prisons. The British routinely held enlisted prisoners of war in de-masted ships, or hulks, anchored in a nearby port. Accounts detailing the cost of maintaining prisoners of war were maintained and settled between the nations as part of the peace negotiations.³

3. Strategic Aims of Combatants. Great Britain entered the Revolutionary War with a single aim - to return the colonies to British control. Because she looked

upon the conflict as a rebellion, and the "patriots" as traitors, Great Britain did not intend to afford prisoner of war status to captured American soldiers. To achieve her aim, Great Britain intended to seize control of American cities, disperse or defeat American armed forces, and use loyal colonists to reinstate control of colonial governments.

The colonies began the conflict demanding their rights as "Englishmen" but changed their objective in July, 1776 to complete independence from Great Britain. To achieve those aims, the colonies felt they had to maintain an army in the field and conduct their military affairs as members of a civilized society. Therefore, the colonies tried to follow the rules and customs of warfare and afforded prisoner of war status to captured British soldiers. However, the treatment of colonists loyal to the Crown varied over time because the "rebels" felt the loyalists were traitors.

4. Key Enemy Prisoner of War Issues. Three issues dominated the American enemy prisoner of war experience during the Revolutionary War: classification of enemy prisoners of war, prisoner of war exchanges, and the "Convention Prisoners."

The Americans classified enemy prisoners of war into three primary groups: British and Hessian soldiers and

sailors, American loyalists (Tories) enlisted into royal service, and civilians openly or suspected of aiding the British.⁴ The treatment afforded each group varied throughout the conflict.

In general, British and Hessian soldiers and sailors posed no problem of classification. Since the Continental Congress determined that the conflict was a war between nations, captured enemy soldiers and sailors were afforded prisoner of war status.⁵ The Americans segregated the prisoners by nationality and, fearing the greater prospect of British soldiers escaping, treated British prisoners of war more protectively. The Hessians, paid even while in American hands, often had no disposition toward escape. America paroled British sailors captured at sea in France or at sea. After 1778, when France and Great Britain were at war, the U.S. took captured sailors to France to be interned at U.S. expense.⁶ Jurisdiction over prisoners captured at sea remained an issue throughout the war and numerous attempts by individual colonies to exchange sailors failed.

The second classification of enemy prisoners of war consisted of Americans loyal to the crown who enlisted in the King's Army. Initially, the Continental Congress decreed that loyalists captured while serving the crown would be returned to their home state for trial and punishment. For example, in 1779, American forces in North Carolina captured 70 Loyalists serving in the British army. North

Carolina tried, convicted, and condemned to death the 70 Loyalists for high treason. Five were subsequently hanged.⁷

The third category of possible enemy prisoners of war was civilians loyal to the crown who aided the British or were suspected of aiding the British. When captured behind American lines, they were often shot as spies. If loyalists' actions were particularly blatant or damaging to the American cause, the Americans normally tried the perpetrators for treason in a local court. Civilian captives suspected of mildly supporting the British were usually turned over to local authorities for disposition. Some civilians were held as prisoners of war if captured in the act of providing direct assistance to a British armed force.⁸

The issue of prisoner exchange began with the first prisoners taken and did not end until after the Treaty of Paris was signed. Although the Americans (Congress, General Washington, and diplomats abroad) tried to arrange a general exchange, the British government only empowered their commanders to arrange exchanges for prisoners on a local basis with the local commander. This restriction precluded the appearance of treating the colonies as a nation at war.

In 1778 and 1779, the Americans diligently attempted to develop a general exchange. However, the British reluctance to settle prisoner accounts, the imbalance of

prisoners held. Congressional demands that Loyalist civilians be returned to stand trial as traitors, and the British reticence to acknowledge American independence precluded a satisfactory resolution.

By 1780, General Washington changed his views on a general exchange. He recognized that the British prisoners were long-term soldiers, whereas the American prisoners were usually short-term enlistees and would soon end their service (if indeed it had not expired while in British hands). General Washington also did not want to exchange British soldiers for American sailors since he did not control the navy. Therefore, his support for a full exchange waned and the issue remained at the local level.⁹

Complicating the exchange issue, was an intermingling of requests to exchange families (Loyalist for Patriot), small groups of interned civilians, or specific individuals. The American position generally was to exchange the longest held prisoners for the longest held prisoners, but the British usually tried to exchange the sickest or weakest prisoners first. Also, because the Continental Congress decentralized exchange authority, each commander, state, and town had the authority to strike an exchange with the British in the area. Many of these exchanges were successful but the lack of control made reconciliation of accounts very difficult.¹⁰

The "Convention Prisoners" present a special case in the American handling of prisoners of war during the Revolution. The surrender document between Generals Burgoyne and Gates at Saratoga (the Articles of Convention, 17 October, 1777) placed 5000 prisoners of war in American custody. The terms of the convention granted free passage to Boston for the prisoners for departure to Great Britain with the provision that these soldiers not serve again in North America. The terms also voided the free passage if any part of General Burgoyne's army was exchanged under a cartel.

The 5000 troops, called the Convention Army, marched under guard to Boston and prepared to depart. Since winter was approaching and Boston Harbor became dangerous, General Burgoyne requested permission from Congress to depart from Providence. Congress denied his request and forbade departure until the convention was ratified by the British Parliament and King. The British government refused to acknowledge the legitimacy of the American government and never ratified the convention. The Convention Army therefore became prisoners of war for the duration and, with the exception of some of the officers, remained in American hands until the war ended.¹¹

The treatment of the Convention Army is significant because it quickly became clear that these prisoners would be held for a long period of time; therefore, relatively

permanent facilities were needed. The prisoners moved from Boston to Rutland, Massachusetts for security reasons. They next moved to Charlottesville, Virginia to relieve the northern states of the burden. During the 800 mile march, many prisoners escaped. The Hessian prisoners worked the farms surrounding the prison and many assimilated into the nearby towns. After nearly two years, in October, 1780, the Convention Army began to move out of Charlottesville because of General Cornwallis' successes nearby. They moved to Winchester, Virginia on their way to Fredericks Town, Maryland and then finally settled in Lancaster, Pennsylvania. The officers went to King's Bridge, Connecticut for exchange in early 1781 but the soldiers remained in Lancaster until Congress directed on 15 April, 1783 that the Secretary of War and General Washington should arrange to liberate all prisoners of war.¹²

5. Initial Structure for Prisoner of War Operations. Clearly, the United States entered the Revolution without an established structure or process for holding and maintaining enemy prisoners of war. Initially, the government turned prisoners of war over to state Committees of Safety to be held in county jails or by the militia until exchanged locally. The first attempt to address the problem at the national level was the appointment on 17 November, 1775 by the Continental Congress of a committee of three to oversee the handling and treatment of enemy prisoners of

war.¹³ A second committee was created on 2 February, 1776. The committees combined into a committee of five on 7 February, 1776 and directed enemy prisoner of war operations until May of 1776 when Congress created new rules and structures.¹⁴ Figure III-1 illustrates the structure used until May 1776.

6. Changes in Prisoner of War Organization During War. The burden caused by holding increasing numbers of enemy prisoners of war created the need for a change in the prisoner of war management structure. General Washington could no longer provide sufficient oversight for their care and safety and the Continental Congress became too embroiled in the political dimensions of the war to provide adequate supervision.

In May, 1776, the Continental Congress created the Board of War and Ordnance (also known as the Board of War) to coordinate all Congressional oversight of the war. Primary duties included care of all enemy prisoners of war, control of prisoner movements, and approval of all prisoner exchanges. Congress also requested, then in October of 1776 directed, each state to appoint a Commissary of Prisoners to coordinate and control prisoner of war efforts within that state and report the names of prisoners held to the Continental Congress.¹⁵ (Figure III-2)

Figure III-1
PRE-MAY, 1776 EPW ORGANIZATION

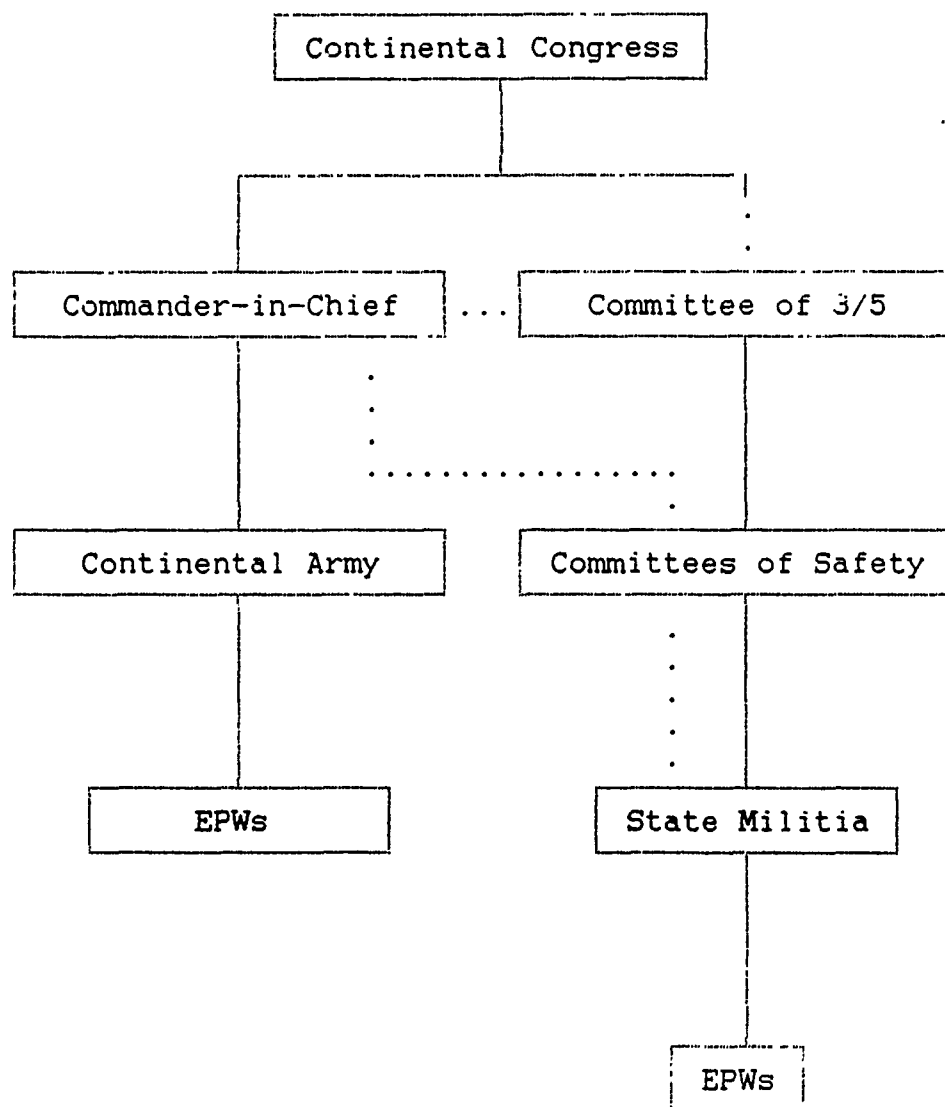
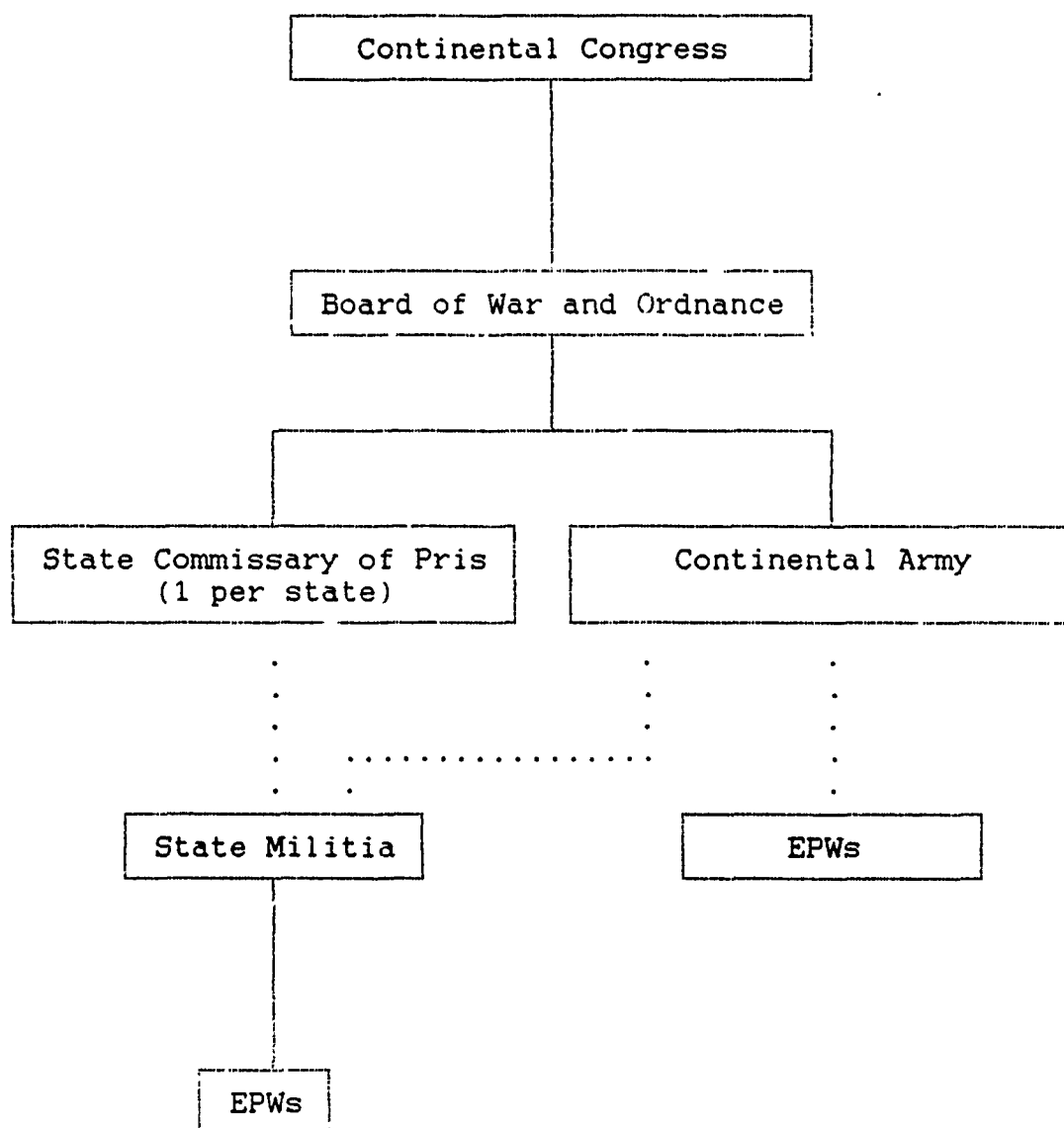


Figure III-2
JUNE 1776-DEC 1776 EPW ORGANIZATION

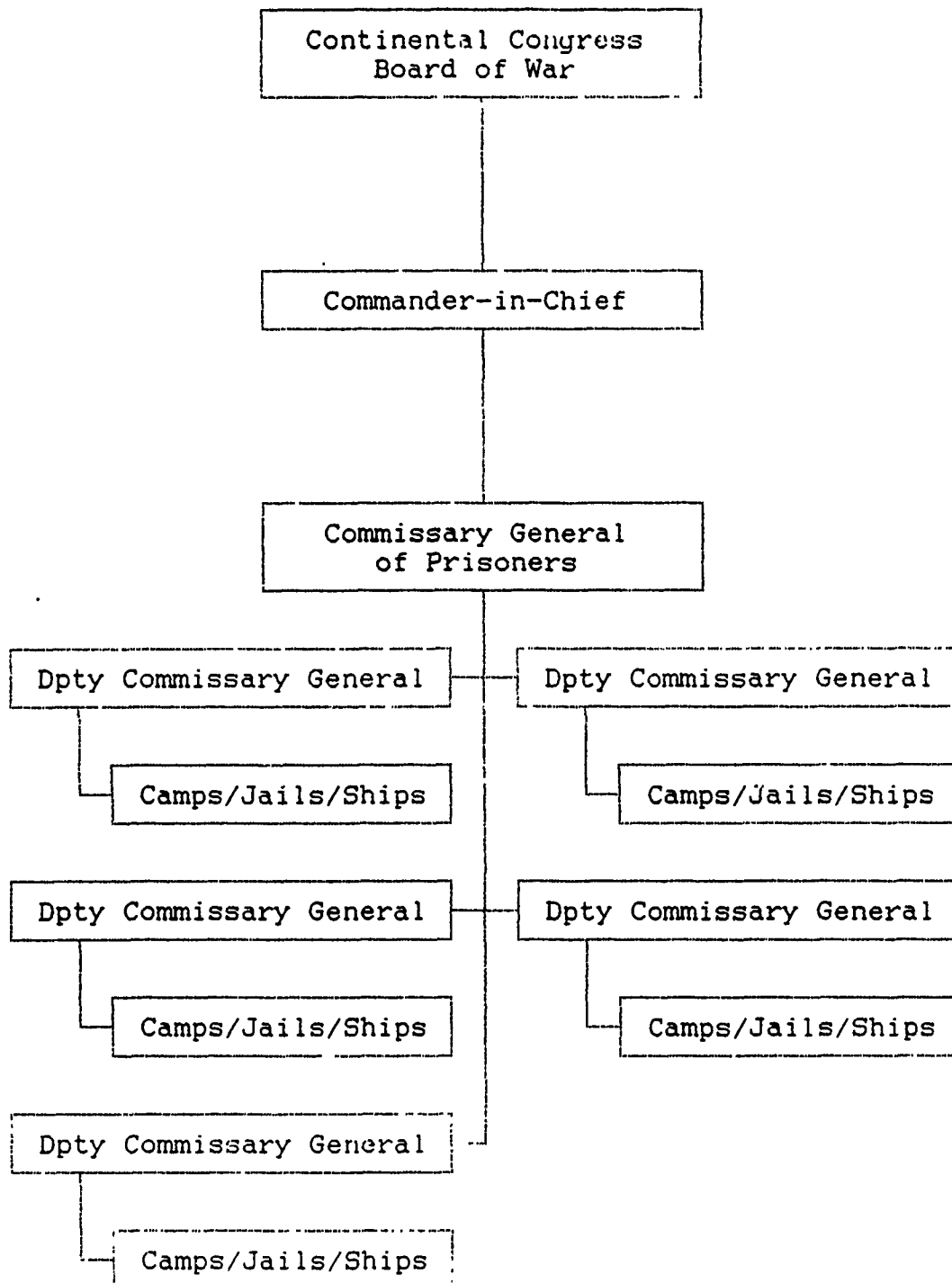


The Continental Congress was very cautious in dealing with state sovereignty, especially when prisoners were captured and held by the state militia. The financial requirement to feed, safeguard, and pay the prisoners was at the heart of the conflict.¹⁶ The obvious dysfunction of state control and national oversight created disparate treatment among the various prisons. The lack of coordination, delays in prisoner exchange, and loss of effective control forced a change to the structure.¹⁷

In December, 1776 the Continental Congress acceded to General Washington's urgings and approved appointment of a Commissary General of Prisoners of War. The Commissary General was to investigate prisoner complaints, facilitate exchanges of prisoners, provide subsistence and clothing for prisoners, manage the prisoners' accounts, and coordinate payments from the British for the prisoners' well-being.¹⁸

On 6 June, 1777, General Washington appointed Elias Boudinot as Commissary General with a back-dated commission to 15 April, 1777. Boudinot appointed two deputies immediately and, within a few days, three more. All states were to transfer their prisoners to the care of one of the deputies. The Commissary General reported through the Commander in Chief to the Continental Congress. The Board of War remained in the structure as an advisory body to the Continental Congress.¹⁹ (Figure III-3)

Figure III-3
DEC 1776-JULY 1782 EPW ORGANIZATION



As the war ended, the high cost of maintaining an elaborate and bureaucratic prisoner of war system forced Congress to revoke the appointments of the Commissary General and his staff on 24 July, 1782. The Commander in Chief and the Commander of the Southern Army were authorized to appoint a Commissary of Prisoners on an as needed basis. The Secretary of War was to appoint assistants to help safeguard prisoners of war. (Figure III-4) This structure remained in place until the final prisoners had been returned to British control or released.²⁰

Throughout the war, two basic structures existed for the local control and handling of prisoners of war. The first, and simplest, was the use of local jails for housing small numbers of prisoners and the parole of officers into nearby communities. The Committee of Safety for the state provided oversight and guidance to the sheriff.

A more formal structure existed at the twelve major prisoner of war camps established or taken over by the Commissary General of Prisoners. Reporting directly to the area Deputy Commissary General was a camp "supervisor." His staff consisted of a surgeon, a forage master, and a wagon master. Militia companies rotated two at a time as camp guards. Normally, two British officers per regimental-sized group also resided at the barracks to provide supervision.²¹ (Figure III-5)

Figure III-4
POST JULY 1782 EPW ORGANIZATION

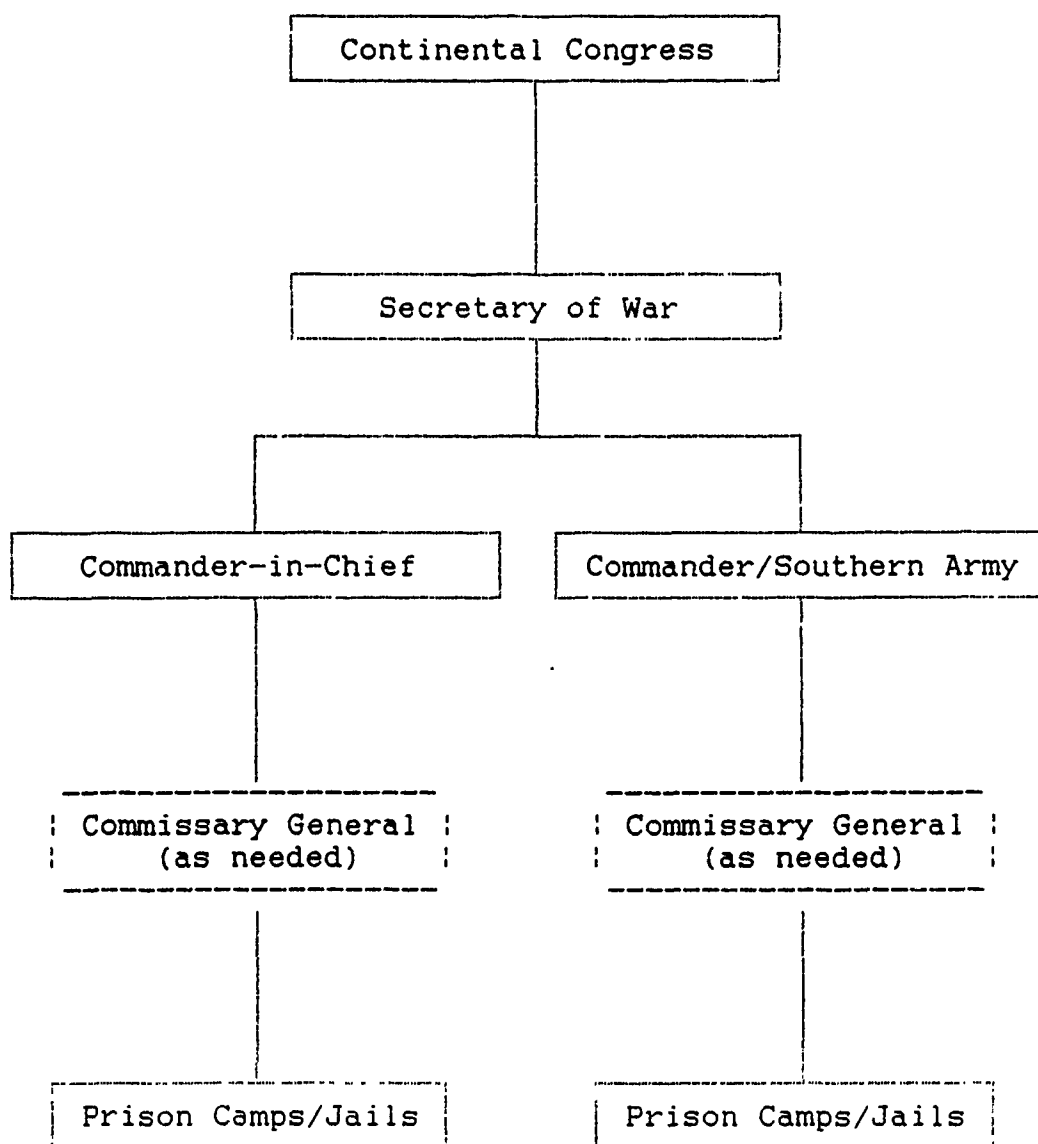
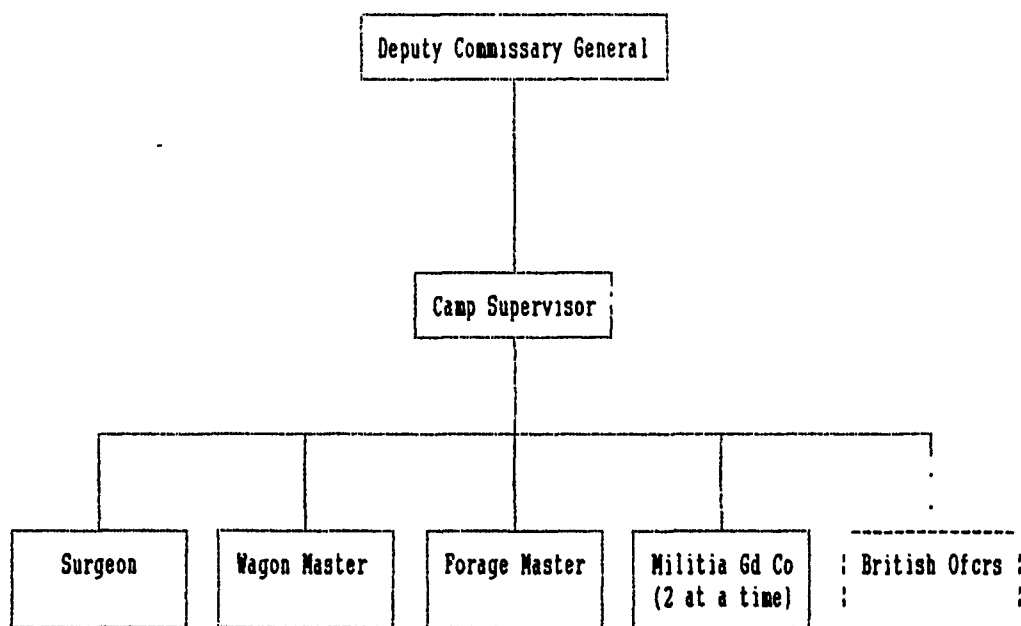


Figure III-5
PRISON CAMP ORGANIZATION



7. Summary of Enemy Prisoner of War Operations. Throughout the course of the war the United States used the principle of "restraint of honor" as its guide for treating prisoners.²² The treatment of individuals varied by locality because the prison system was decentralized. There was, however, an attempt by the Continental Congress to reduce individual suffering and remove the prisoners from the effects of politics.

Selecting the locations for prisoner of war camps was a difficult process because there were no state police agencies, no city or county police, and few authorities loyal to the Continental Congress. The prime considerations were "retention and safekeeping of the men." The Congress determined that the prisoners must be fed, housed, guarded, incarcerated away from the enemy, and made to realize their status as prisoners.²³

The majority of the prisoners taken during the war were captured at the conclusion of two engagements: Saratoga (the "Convention Army") and Yorktown.²⁴ However, the Americans captured prisoners in smaller numbers throughout the war. Approximately 22,000 prisoners were captured during land campaigns in the Revolutionary War.²⁵

At the conclusion of battles, the Army usually turned prisoners over to the local Committee of Safety or sheriff. Complicating the handling of the prisoners was the

large number of camp followers - wives, children, mistresses, and domestics - captured with the prisoners. The local "authorities" housed, fed, and protected the prisoners until their transfer to one of the more formal prison camps.

The Congress eventually established twelve major prisoner of war camps. Two were based on prison ships (demasted ship hulks anchored in a port): New London, Connecticut and Kingston, New York. The Congress located major land prisons away from the coast at Hartford and the Simsbury Mines, Connecticut; Reading, Lancaster, Carlisle, and York, Pennsylvania; Charlottesville, Winchester, and Fredericksburg, Virginia; and Fort Frederick, Maryland.²⁶

Smaller camps housed prisoners at various times during the war in Virginia, New Jersey, Connecticut, Massachusetts, and Pennsylvania. The prisoners rarely stayed at any of these camps but transferred from one to another and then back again. Using the small prisons dispersed the burden of prisoner management more equitably among the colonies. This practice increased guard requirements for prisoner movements. The dispersion also created a greater disparity in prisoner treatment.

The local militia normally provided the guards for the prison camps. The lack of professional training often caused the guards to exacerbate the prisoners' plight. "Mistakes, disputes, misunderstandings, and quarrels do not cease" ²⁷ The poor state of logistic resupply for

the militia units affected the prisoners equally with the American soldiers. The guards often supplied themselves with clothing from the prisoners: "He who falls into their hands as prisoner seldom keeps anything more than what nature gave him at birth."²⁸

Of more serious concern to the prisoners were soldiers drafted for short periods as prison guards. These guards were often not qualified for front-line duty and had not seen the prisoners as soldiers prior to capture. They were not well-trained, were undisciplined, and were quick to resort to harsh punishment. In a typical case, a prisoner attempting to escape was caught by some three-month draftees. The punishment was ordered quickly: the soldier would "run the gauntlet." "Those hickreys (sic) were nimbly used on Elrod . . . Elrod was in one general gore of blood."²⁹

The camps were not well-provisioned, well-staffed, or completed when the first prisoners arrived. The American guards reacted by relaxing the rules to allow the prisoners to plant gardens, build additions to the barracks, and scour the countryside for vegetables and work. The locations of the camps prevented interference with frontline units but limited the amount of support available from mills, factories, and distribution centers. The sites were carefully chosen to provide healthy conditions - locating the camps inland not only afforded them protection from the English

army but also removed them from the diseases prevalent in the low-lying coastal regions.

The experiences of the camp at Lancaster, Pennsylvania illustrate the efforts of the Americans to care for their prisoners. The British government stopped payment for the 63 wives, mistresses, and children of the prisoners. Without adequate funds, blankets, soap, or firewood, the camp supervisors improvised. They made soap, filled linen bags with soft straw for blankets, sent groups of prisoners into the forests for firewood, and sent emissaries to Congress to arrange for funds.³⁰ The local authorities reacted as best they could, but faced with problems outside their control, had to rely on the oversight provided by the centralized government. The many local problems, especially those dealing with officer prisoners, forced the Congress to appoint the Commissary of Prisoners to provide centralized direction.

The lack of quality guards, the constant shuffling of prisoners between camps, and the practice of quartering soldiers in the community allowed a large number of escapes. The number of escapes, or "desertions" as they were called on the marches between prison camps, was so great that General Washington tried to stop escapees' enlistment in the American Army. He feared they would merely desert again and rejoin the English Army.³¹ Recaptured escaped prisoners

were housed in fenced facilities adjacent to the prison barracks.

Throughout the war prisoners were subjected to threats of retaliation. As pawns in the political process, the prisoners could not affect their captors or their own government. The American government complained of British treatment of American prisoners as common criminals, especially early in the war, but tried to treat prisoners honorably. However, when the mistreatment continued, Congress canceled the \$2.00 weekly allowance provided to captured British officers and recalled prisoners on work detail. The state governments supported the Congress. The show of strength forced Britain to alter her treatment of the American prisoners.³²

Harsh treatment of prisoners for political purposes was especially prevalent in the southern colonies. The high percentage of Tory, or Loyalist, residents made the feelings between the non-combatants run high. For example, American troops captured a large number of Tories at Cowpens in October, 1780. Realizing that the captured loyalists were responsible for burnings, lootings, and other wanton acts against the populace, the officers in charge of the prisoners convened a court and sentenced twenty to forty to die for their crimes. Ten were immediately hung.³³

As peace neared, the Americans recalled all the prisoners who were working in towns and on farms. Many of the prisoners elected to remain in America even though some were indentured to repay their costs. The Hessian soldiers were especially tempted to remain but had to buy their freedom from the Hessian contracts for \$80, payable in hard-milled (Spanish) money. About 6000 Hessians remained after the prisoner returns were completed.³⁴

The peace negotiations resulted in the Treaty of Paris on 3 September, 1783. The U.S. Congress ratified the treaty on 14 January, 1784. The terms called for the immediate release of all prisoners still in captivity. However, all prisoners desiring to return to their homeland had departed the U.S. by the date of the signing - 3 September, 1783.

8. Determination of Success/Failure. American handling of enemy prisoners of war, although well-intentioned, was a failure during the Revolutionary War. The American Army was new, had no firm organization, and began the war with the handicap of a newly established government and decentralized authority.

In subjective terms, the Americans were probably successful. There were no great prison riots that caused the army to divert large amounts of manpower to the prison camps. There were few proven cases of prisoner

maltreatment. The prisoners, although not ecstatic over living conditions, were reasonably satisfied that their basic needs were met. Above all, the prison staffs reacted to problems with ingenuity, care, and reason.

However, the prisoners were used to great political advantage throughout the conflict. The retributions, revenge, and accusations consumed a great deal of the Army commands' time and monopolized Congressional attention. Treating the prisoners well was not enough; the Americans were not able to remove the issues of the Convention Army, the Hessians, and the Tories from the prosecution of the war.

The prisoner of war camps created by the Continental Congress failed as organizations. The low level of satisfaction among the guards, the high rate of violent incidents among the prisoners, and the inability of the guards to prevent escapes illustrate the weaknesses of the camp organizations.

Although not entirely successful, the prisoner of war efforts during the Revolutionary War provided the United States valuable experience for later conflicts. Of greatest importance was the inculcation of the philosophy that the United States would attempt to treat prisoners of war humanely.

B. War of 1812

1. Wartime Circumstances. The causes of the War of 1812 remain clouded and obscure. Scholars have advanced theories ranging from issues of maritime access to American desire to annex Canada to Republican versus Federalist political prestige. The answer would appear to lie solely in none of these proposals yet may be found in all of them.

The road to war in 1812 began with the inauguration of Thomas Jefferson in 1801. The Republican administration began to move away from the pro-British policies established by the Federalists. The Republicans embarked on a planned retrenchment that reduced the ability of the young nation to wage war or project power overseas. They reduced the Army to 3300 in 1802, the Navy to seven frigates, and gradually severed treaties with England. In an era of economizing, the Jefferson administration relied on coastal fortifications, militia and privateers for defense of the United States.³⁵

In commerce, the British attempted to eliminate American circumvention of the English blockade of France. The Essex decision in 1805 (in British Admiralty Court) provided the British Navy authority to seize American ships carrying French cargo. Although a new Whig ministry

overturned the policy in 1806, the effect on maritime insurance was devastating.³⁶

Concurrently, the British impressment practices infuriated the American government. Since approximately one-quarter of American merchant seamen were British citizens needed by the Royal Navy in their war against France, the British Navy boarded American ships and removed "British" citizens. The practice often left the American ships dangerously short-handed. When the United States issued certificates of citizenship, the descriptions were so vague that the British Navy ignored them.³⁷

With the rejection of the Monroe-Pinckney Treaty in 1806, the Americans disrupted attempts at accommodation and set the stage for the war. The British and French traded blockades of each other's ports. Enmeshed in Continental politics, the Jeffersonians opted for an all-or-nothing policy. The United States passed the Embargo Act of 1807 to try to force repudiation of both blockades by denying trade to both warring nations. The result was an American economic disaster and the creation of a class of American merchant pirates.³⁸

The final break, however, came over the British policy of arming the Indians on the western frontier. This policy brought Canada into the forefront because the British used their agents in Canada to deal with the Indians. The

combination of western Congressmen, demanding protection from the Indians, and southern Republicans, seeking to solidify economic independence from the British, forced the United States into the War of 1812.³⁹

The countries at war appeared to be greatly unequal. Britain had over 800 ships of war; the Americans 23, only three of which carried 40 or more guns.⁴⁰ The British Army was fully trained, equipped, and experienced from the wars with France (although the full use of the Army would not be available until 1814); the American Army was understrength (only 5000 on hand of 10,000 authorized), poorly trained, poorly led, and inadequately equipped. To even the odds, the Americans planned to use short-enlistment militia, even though they could not serve outside the U.S., and privateers.⁴¹

Geographically, the American advantage of distance from Great Britain was virtually eliminated by the overwhelming size of the Royal Navy and the proximity of Canada. The British could land almost at will to force battle at a time and place of their choosing. The American advantages of depth and dispersion created unmanageable problems for the British, even though the British recruited Indians to act on the frontier.

In terms of prisoners of war, the Americans only experience was the Revolutionary War. The British had been fighting the French for years and had experience in many

forms of prisoner detention. The British also had experienced Commissaries of Prisoners to arrange care and sustenance. As in other areas, the Americans were unprepared for the large numbers of prisoners of war.

2. Current International Law. Between the Revolutionary War and the War of 1812, there were no great advances made in international law regarding the treatment of prisoners of war. The basic process of holding prisoners until an exchange or parole could be arranged continued throughout the Napoleonic Wars. Both France and Great Britain had cause to blame the other for unnecessarily callous and brutal treatment of prisoners of war.

Although not a part of international law, France decreed in 1792 that prisoners of war were the responsibility of the capturing state. The enlightened thinkers of the day portrayed the prisoner of war as an unfortunate caught in the war between nations. The treatment provided to prisoners, therefore, became a matter of national honor.

The United States, however, had made a significant contribution to the future treatment of prisoners of war. In 1785, the United States and the Kingdom of Prussia signed a Treaty of Amity and Commerce. One article of this treaty outlined the treatment each would afford prisoners of the other nation should war occur between the two signatories. The treaty pledged ". . . to the world and to each

other . . . " that the prisoners would be kept in wholesome places (not in prison ships), would be fed and housed properly, and would not be kept in irons or restraints.⁴² This treaty was a landmark because it was the first such treaty between nations at peace. This treaty also was the only such treaty in force for the United States when it entered World War I (see Chapter IV-A).

A similar approach dominated the United States position in the peace negotiations with Tripoli in 1805. All prisoners being held were repatriated immediately upon ratification of the treaty. Another article of the treaty continued the United States policy of determining treatment of prisoners of war before a war actually began. The Treaty of Peace and Amity (1805) declared that prisoners of war taken during a war between Tripoli and the United States would not be made slaves, but would be exchanged in accordance with a schedule contained in the treaty.⁴³

3. Strategic Aims of Combatants. The United States purportedly sought to force Great Britain to respect the freedom of the seas and trade. The United States also proposed annexing Canada as the best means of reducing British influence on the Indians. The Republicans, the real power behind the Declaration, hoped the war would solidify their control over the ideological future of the United States.⁴⁴

The British desired to resolve the issues with America as quickly as possible and without diverting too much attention from the war with France. Even as President Madison requested a Declaration of War from Congress, the British Prime Minister announced the suspension of the Orders in Council. The conciliatory efforts came too late to alter the Declaration of War.⁴⁵

As Great Britain entered the war, she attempted to protect Canada from U.S. attack. Until they defeated Napoleon at Waterloo, however, the British could not deploy large land forces on the American continent, so the land war in 1812 and 1813 was an economy of force effort. The British also deployed large ships of the line off parts of the American coast to blockade U.S. trade.

4. Key Enemy Prisoner of War Issues. Three issues dominate prisoner of war studies of the War of 1812: eligibility for prisoner of war status, appropriate control measures over prisoners, and prisoner of war living conditions.

The determination of prisoner of war status would appear to be a simpler process than during the Revolution because of the legitimate status of the United States as a nation. For the Americans, the process remained simple. If the detainee was from a British ship, British unit, or Canadian militia unit, that person was accorded prisoner of

war status. British seamen taken from other nations' vessels also became prisoners of war.

The British, however, faced a dilemma when determining prisoner of war status. Holding to the principle of "indef sible allegiance" -- that British citizens cannot change their citizenship -- the British government determined that American soldiers and sailors, former British citizens naturalized after 1783, were traitors and would not be accorded prisoner of war status.⁴⁶ When linked to the issue of impressment of sailors before the war, the issue created the potential for the political use of prisoners. When the British sent 23 Americans, Irish by birth, captured at the Battle of Queenstown to England for trial as traitors, the Americans retaliated. Colonel Winfield Scott, released by the British after capture, selected 23 British prisoners of war to be held as hostages. The retaliations escalated with the British then the Americans holding 46 officers in close confinement.⁴⁷ The final escalation came when the British ordered all officer prisoners of war to be confined without distinction of rank. The Americans responded in kind.⁴⁸

One of the American officers held in confinement, Brigadier General William H. Winder, was released on parole to attempt to work out an amicable exchange. General Winder worked with Edward Baynes, Adjutant General to the British Commander-in-Chief in Canada, to reach an exchange

agreement. The agreement reached on April 16, 1814 did not apply to the hostages.⁴⁹ The hostage issue was not resolved until shortly before the war ended when the British notified the American government that the 23 Americans, ne Irish, had been released to prisoner of war status.

The War of 1812 provided historic legitimacy for the exercise of force to maintain order and control over prisoners.⁵⁰ Dartmoor Prison held American prisoners in greatly overcrowded conditions. On April 6, 1815, two months after the war ended, a dispute over transportation responsibility devolved into a riot. The British fired on the prisoners, killed six, and wounded sixty.⁵¹

After the incident, the U.S. government appointed an investigator to identify any wrongdoing. The investigator, Charles King, found that although there was some reason to believe the Americans might attempt a mass escape, the British used excessive force. The conclusion, however, was that the detaining power had the right to use force to maintain order.⁵² This conclusion formed the basis for the establishment of "deadlines" in the Civil War.

The third issue involved the comparative living conditions of the prisoners. Neither side contended that prisoners should be afforded excellent conditions, but both contended that the enemy purposely mistreated prisoners.

The failure of the various cartels and the hostage issue exacerbated the charges.

The British practice of using prison ships rather than creating prison camps created extremely unhealthy living conditions.⁵³ The British also used existing prisons and old castles to house prisoners of war. Both were slightly more healthy than prison ships but became overcrowded. Reports from released prisoners prompted Congress to issue a report, with documentation, describing British mistreatment of prisoners.⁵⁴

The Americans used prison camps, existing jails, and ships as necessary to house prisoners. The British claimed the Americans purposely used sickly areas for prison locations. The British press kept up a constant commentary about the conditions in the American jails, comparing them unfavorably to those used by the Spanish Inquisition.⁵⁵ Even the Canadians complained that their officers ". . . suffered protracted misery as prisoners of war."⁵⁶

The issue of mistreatment did not end with the war. The evidence does not indicate that either the British or the Americans tried to mistreat prisoners. The poor treatment was primarily a result of a lack of knowledge of disease and sanitation. A secondary contributing factor was the unexpected number of prisoners. Even though the treatment afforded prisoners improved near the war's end, the

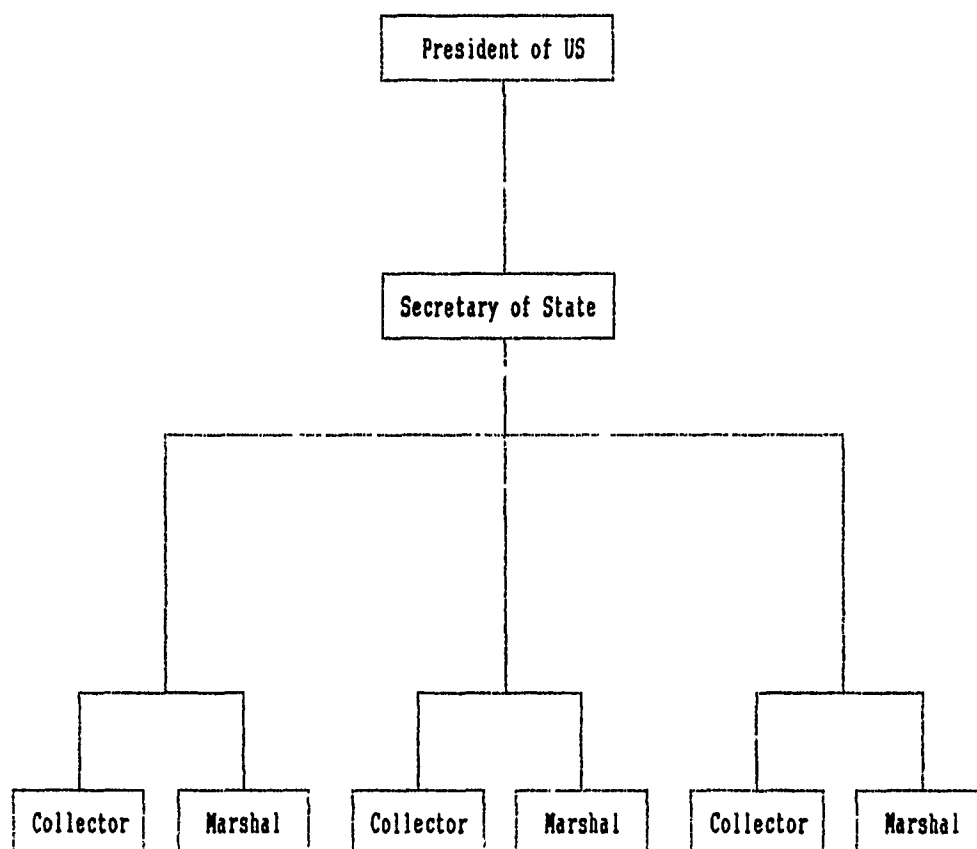
effects of prisoners' poor living conditions were seen on both sides of the Atlantic.⁵⁷ The result in America was a decades-long Anglophobia.⁵⁸

5. Initial Structure for Prisoner of War Operations. When the United States entered the War of 1812, no organization existed for the care of prisoners of war. The American experience in the Revolutionary War provided a basis for the creation of a new system. On 26 June 1812, eight days after the American Declaration of War, Congress directed that prisoners taken from ships be turned over to the marshal (or some other American official) nearest the port where first taken. On July 6, 1812, Congress amended the law and delegated authority for prisoner care and safekeeping to the President of the United States.⁵⁹

The initial structure established for prisoner of war maintenance was a decentralized organization with a dual reporting chain (Figure III-6). President Madison decided to use existing officials in seacoast towns and adapt that structure to prisoners taken on land. The collectors (port duty tax officials) recorded the number and names of prisoners as ships arrived. The marshals had the responsibility of maintaining the prisoners until release or exchange.⁶⁰ Both sets of officials worked, at least nominally, for the Secretary of State.

6. Changes in Prisoner of War Organization During War. The dispersal of the British prisoners along

Figure III-6
EARLY WAR OF 1812 EPW ORGANIZATION



the American coastline and the increasing numbers captured on land made centralization of policy necessary. President Madison created the post of Commissary General of Prisoners in April 1813 by Executive Order. The authority for his actions was the July 6, 1812 law giving the President responsibility for maintaining prisoners of war.⁶¹

The Commissary General of Prisoners, under the Secretary of State, was also the Superintendent of Alien Enemies. In these capacities, he arranged cartels for exchanging prisoners and controlled the deportation of British citizens. Although his staff was small, never more than four clerks, he supervised the collectors and marshals, corresponded with British agents, coordinated prisoner lists with the Secretaries of War and the Navy, managed the exchange cartels, and investigated prisoner complaints.⁶²

Throughout the war, the organizational structure remained very flat. The marshals, responsible for actually holding the prisoners, worked for the Commissary General of Prisoners. The marshals appointed Deputy Marshals for large districts and where large numbers of prisoners were held. The guards worked directly for the Marshal or Deputy Marshal.⁶³

The dispersion of the prisoners and the span of control of the Commissary General of Prisoners combined with the temporary nature of holding prisoners of war to create a system with great differences. The normal location for

confining prisoners was a local jail -- prisoners of war were held with common criminals -- although private houses, prison ships, or barracks buildings were also used. In all cases, the prisoners were the responsibility of the Marshal and the Secretary of State, not the military.

7. Summary of Enemy Prisoner of War Operations. As battles ended or as American ships brought British sailors to American ports, the marshals assumed responsibility for the prisoners. Initially, they made local exchange agreements notifying the Secretary of State of the terms as soon as possible. Early in the war, local commanders also made agreements to exchange prisoners.

However, in November, 1812, the Secretary of State initiated action to formalize an exchange agreement. The agents of the United States and Great Britain met in Halifax, Nova Scotia and completed an agreement to exchange naval prisoners. A similar agreement for prisoners taken on land was planned. The United States did not ratify the initial agreement, however, and it was never in force.⁶⁴

The unratified Halifax exchange was not forgotten. In May 1813, John Mason, the newly appointed Commissary General of Prisoners concluded negotiations with Thomas Barclay, the British agent, for a general exchange. Both negotiators signed the Washington Cartel on 14 May 1813. The Secretary of State immediately ratified the cartel. The

British objected to the wording of several of the provisions and failed to ratify the agreement. Both the Americans and the British, however, considered the Washington Cartel in force, at least those provisions not objected to by the British.⁶⁵

The Washington Cartel not only prescribed prisoner of war exchange criteria and parole terms; it also outlined the expected treatment of the soldiers and sailors while imprisoned. The agreement prescribed the types and amount of food to be provided each prisoner, the role of the agents in monitoring the health conditions of the prisoners, and the allowances and clothing to be given to prisoners. Throughout the remainder of the war, both sides used this agreement as the basis for humane treatment of prisoners of war.⁶⁶

The Americans never intended to detain and hold prisoners of war for extended periods of time. Therefore, they accepted the decentralized control by marshals. Most prisoners were held in local jails or private residences under contract to the marshal. The exchange agreements allowed the Commissary General of Prisoners to establish collecting points, or "stations," for prisoners awaiting exchange.

The Washington Cartel identified seven locations as "stations" for holding prisoners for exchange: Salem, MA; Providence, RI; Wilmington, DE; Annapolis, MD; Savannah, GA;

New Orleans, LA; and Schenectady, NY.⁶⁷ Since all these cities except Schenectady are coastal, it appears that the signers expected most exchanges to be made by sea and away from the northern frontier. The list also reflected the maritime nature of the war and the expected ratio of prisoners captured on land versus sea. Although marshals in other cities, coastal and inland, received prisoners, these seven "stations" held the vast majority of the British prisoners of war.

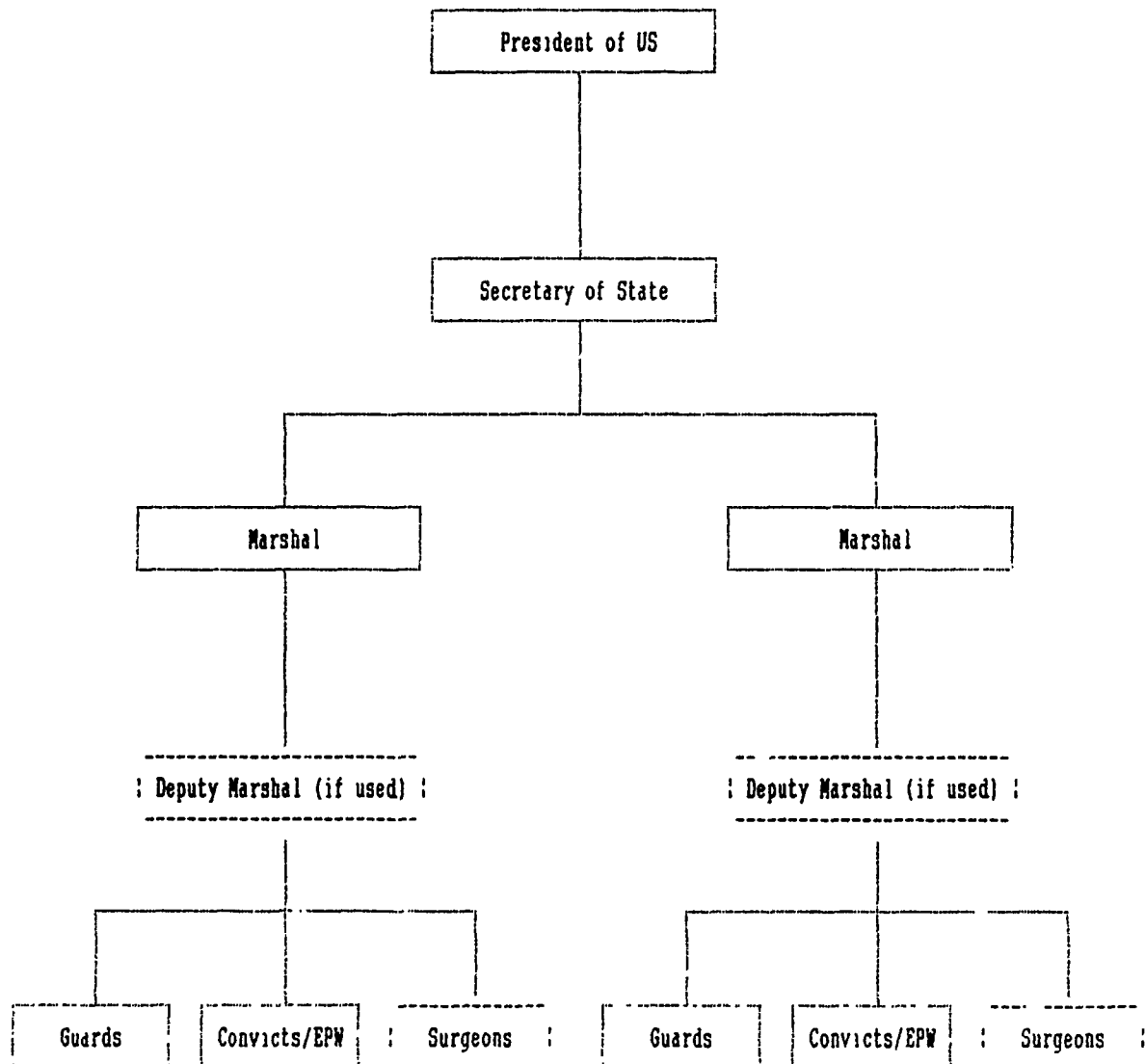
Thomas Barclay established sub-agents at Salem, Providence, Savannah, and New Orleans to help him monitor American treatment of British prisoners. When he requested permission to establish a sub-agent at Schenectady, Barclay was informed that the Americans intended to transfer the "station" from Schenectady to Pittsfield, Massachusetts. The lack of accommodations in Schenectady made the shift necessary.⁶⁸ When the facility at Pittsfield was completed, Barclay located his fifth sub-agent there.

Six types of facilities were used by the marshals for detaining prisoners of war: local or state jails, military barracks, warehouses, private homes, prison ships, and prison camps. The organizational structure established for each type of facility reflected the disparate requirements each marshal faced.

Local jails were used in Portsmouth, New Hampshire; Providence and Newport, Rhode Island; Ipswich, Essex, Concord, and Worcester, Massachusetts; Norwich, New London, and Fairfield, Connecticut; New York City and Poughkeepsie, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; the District of Columbia; Norfolk and Richmond, Virginia; Newbern, Raleigh, Elizabeth City, and Wilmington, North Carolina; Georgetown and Charleston, South Carolina; Savannah, Georgia; and New Orleans, Louisiana.⁶⁹ The local organization was very simple (See Figure III-7). The marshal or deputy marshal was in charge of the prisoners and guards. No special guards were normally employed as the prisoners were mixed with the normal jail population. The prisoners performed their own cooking and cleaning under the supervision of their own leaders. The military services provided surgeons and medical personnel on a loan basis; otherwise the prisoners used local hospitals.

Unused military barracks buildings housed prisoners at Machias, Wiscasset, and Edgecomb, Maine; Fort Gansevoort, Greenbush, and Greenwich, New York; Frederick Town, Maryland; Chillicothe, Ohio; Newport, Kentucky; and Pittsburgh, Pennsylvania. A tobacco warehouse was used in Richmond, Virginia.⁷⁰ The same organization structure existed in a barracks detention camp or warehouse as in a jail facility. The only difference was the possible use of militia or

Figure III-7
WAR OF 1812 LOCAL EPW ORGANIZATION



soldiers as guards; but even these guards worked for the marshal.

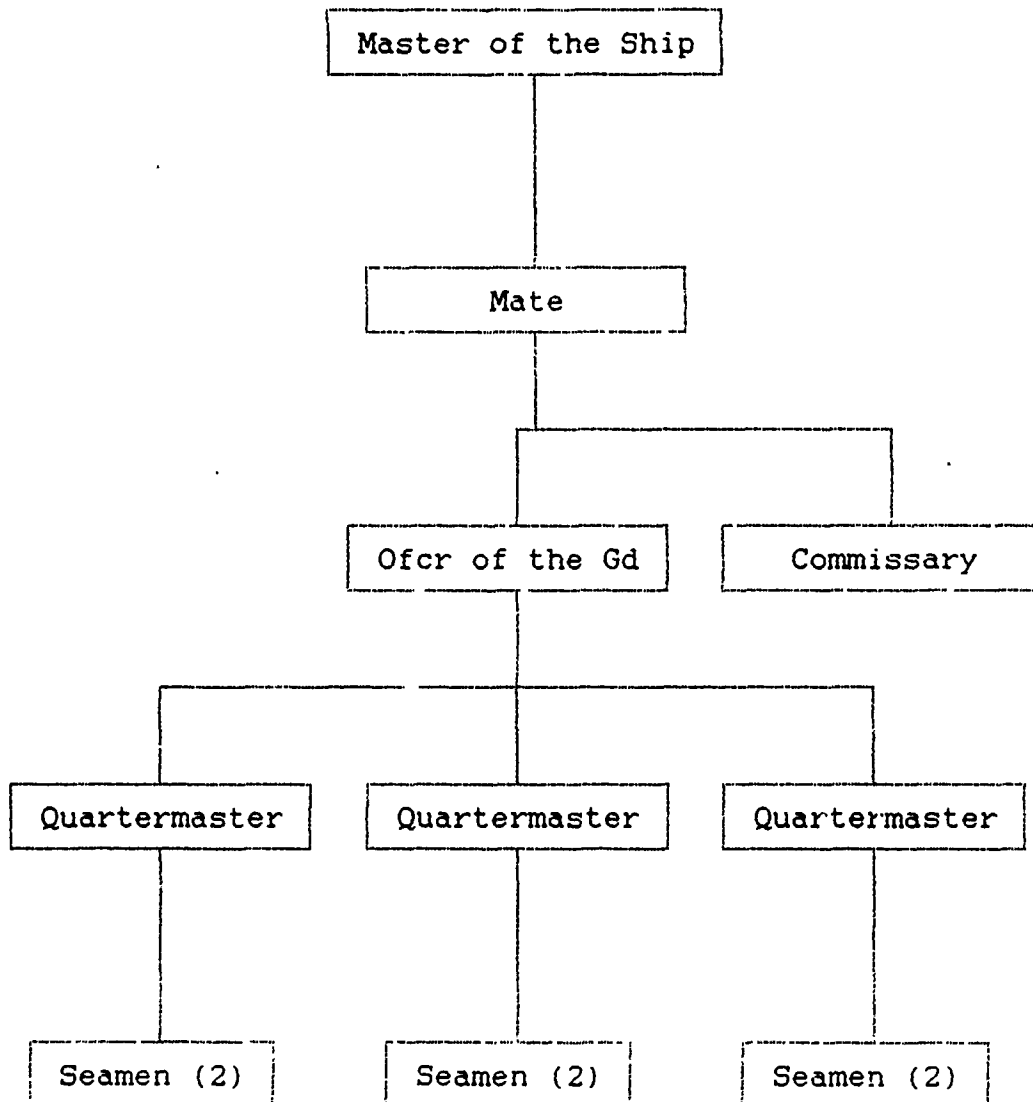
Marshals in Edgecomb, Maine and Norfolk, Virginia contracted with private citizens to house prisoners of war awaiting exchange. No formal organization existed to support prisoners housed in homes except for oversight by the local marshal and letter contact with Mr. Barclay.⁷¹

At various times during the war, the U.S. used prison ships at Salem, Massachusetts; New York City, New York; Wilmington and later Smithville, North Carolina; and Charleston, South Carolina.⁷² The master of the prison ship was the special agent of the marshal or a deputy marshal. The remainder of the crew consisted of a mate, officer of the guard, commissary, three quartermasters, and six seamen (Figure III-8).⁷³

Prison camps were established at Chillicothe, Ohio; Greenbush, New York; Newport, Kentucky; Pittsburgh, Pennsylvania; and Pittsfield, Massachusetts. The only camp operated for an extensive period of time was at Pittsfield. The others were the result of particular military actions and existed only long enough to either exchange the prisoners or plan their transfer to a more permanent facility.⁷⁴

Until the fall of 1813, the army used Pittsfield as a supply and training base. When the troops moved northward, the local marshal took control of two two-story barns, a two-story hospital, and a two-story building used as

Figure III-8
PRISON SHIP ORGANIZATION

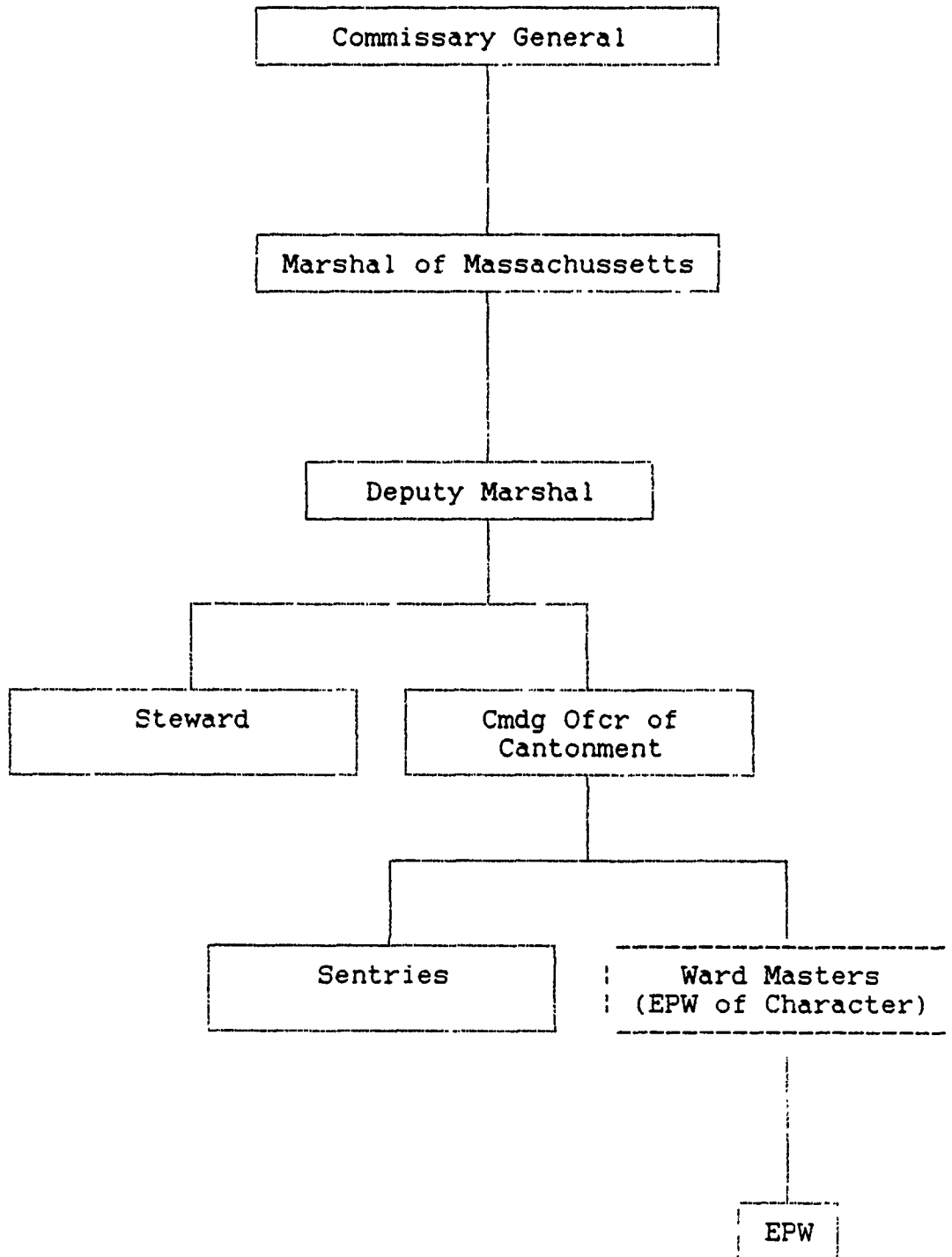


officers' quarters. In the fall of 1814, the marshal requisitioned more buildings from the War Department to handle the influx of prisoners taken during the victories along the Great Lakes. The marshal erected a 12-foot fence to create an area where prisoners could move about. The new buildings expanded the camp capacity from about 300 to 1,500.⁷⁵

A deputy marshal working for the Marshal of Massachusetts actually ran the prison camp, or cantonment, at Pittsfield. A steward, or administrative assistant, managed the details of camp life. He organized the prisoners into messes, issued equipment and clothing, oversaw the distribution of food, and maintained listings of the prisoners held. The Commanding Officer of the Cantonment also worked for the Deputy Marshal. His duties included supervision of the sentries, selection of ward masters from among the prisoners, and control of the prisoners. The ward masters were prisoners who appeared trustworthy and acted as internal policemen and prison leaders. They managed the prisoners' dealings with local tradesmen and enforced standards of hygiene.⁷⁶ (Figure III-9)

Although the popular press contained many stories of mistreatment at all types of prison facilities, the British agents rarely complained. T.W. Moore, one of Mr. Barclay's sub-agents, reported that the prisoners at Pittsfield were treated "with civility and do not complain."⁷⁷ Even the hostages held at Ipswich were treated well and complained to

Figure III-9
PITTSFIELD ORGANIZATION



their agent only of the dampness of the jail cells.⁷⁸ Many of the prisoners attempted to escape, not while held under American control, but upon exchange to British authority. Many sailors deserted while in American ports to avoid returning to the British Navy.⁷⁹

The respect shown by each side toward their prisoners illustrated the attempt to keep humanitarian principles at the forefront. One well-publicized account serves to demonstrate this idea of civility. In a letter captured by the Americans, George Hay (Lord Tweeddale) reproached his staff over recent treatment of American prisoners of war. He ordered them to treat U.S. soldiers with "the utmost civility" and told his staff to allow captured American officers to use his bedroom. The letter was published widely during the war and caused both armies to provide better treatment of prisoners on the battlefield. This spirit of humane treatment carried over to the various marshals holding prisoners of war.⁸⁰

One interesting sidelight of prisoner of war operations in the War of 1812 was the operation of cartel ships. These ships transported prisoners being exchanged. The Americans, like the British, kept two ships available as cartel vessels. Although operated by the Commissary General of Prisoners, the officers and crew were Navy personnel.⁸¹

Rules governing their operations were in the Washington Cartel and subsequent agreements.

The cartel ships flew ensigns of both nations as well as a white flag of truce. The only arms on board were those carried by the crew or guards for maintaining order. The cartel ships also carried no commercial cargo. The number of prisoners varied by type of ship and the number of prisoners to be exchanged as agreed upon by the countries' agents. Originally, the Americans authorized rations for prisoners equivalent to the rations of American seamen. However, since the British refused to increase the allowance of rations for American prisoners awaiting exchange, the Americans reduced the rations to equal the British.⁸² This attempt to mitigate the treatment provided prisoners is one of the few failures of prisoner of war operations during the war. In sum, however, the cartel vessels were effective in providing safe transportation for prisoner exchange and prevented hardships that would have arisen had the United States and Great Britain attempted to maintain large numbers of prisoners for extended periods of time.

In March, 1814, General Winder went to Montreal to negotiate a new exchange agreement which would include the hostages being held by both governments. President Madison temporarily suspended the talks to ensure that the original 23 Queenstown prisoners were included and released. On

April 15, 1814, the agents signed an exchange that included all officers except the 23 Queenstown prisoners, the 23 officers the Americans held in retaliation, and the 46 American officers the British held hostage. All other prisoners were to be released and could reenter military service after May 15. Shortly thereafter, the British notified President Madison that the 23 Irish-Americans (Queenstown prisoners) were being returned to normal prisoner of war status. Both sides released their hostages and in July, 1814, signed a final cartel for exchange.⁸³

The Treaty of Ghent, signed 24 December, 1814, ended hostilities and released all prisoners of war upon payment of their debts. The Dartmoor incident (cited above) occurred after the war ended because the agents could not settle accounts quickly enough.

8. Determination of Success/Failure. The American experience with enemy prisoners of war in the War of 1812 was a success. Early establishment of the Commissary General of Prisoners under the Secretary of State corrected the two biggest problems of the Revolutionary War: consistency in treatment and interference with ongoing military actions.

The Commissary General's guidelines to the marshals outlined the United States government's expectations for prisoner treatment.⁸⁴ Following these guidelines, the marshals provided relatively consistent treatment of

prisoners. The facilities varied by location, but the amount and quality of food, services, and clothing was standardized. The continuous cartel, of soldiers and sailors less officers, kept the number of prisoners detained at manageable levels.

Objective measures are difficult to apply because information is not fully available. The Commissary General of Prisoners did maintain records but many prisoners were taken at sea, turned in at a port, and exchanged quickly without being recorded. The records list 15,508 prisoners of war taken by the United States: 5,765 on land, 1,485 on the lakes, 2,905 at sea by the regular navy, and 4,842 at sea by privateers. The location of capture for the remainder was not recorded.⁸⁵

The records list very few escapes. The total recorded approximates 300.⁸⁶ The total could be higher; Dietz indicates that the records are incomplete in many areas. Final disposition of prisoners was often not posted to the records. When escapes occurred, they were usually single prisoners or very small groups. Most escape attempts came during transit; in fact, of the 300 recorded escapes, approximately 100 occurred during one move of a large group of prisoners near the Canadian border. Many of these 100 escapes came after completion of an exchange and the prisoners were on the march to Canada.⁸⁷

The total number of prisoners who died in custody is also unknown with any certainty. The absence of complaints by the British agents, however, indicates that the number was small. The Cartel never addressed the problem of deaths in captivity other than to require the detaining power to provide a proper burial. In fact, Dietz only identifies five reports by marshals or collectors that mention deaths.⁸⁸

Subjectively, the Americans were eminently successful in conducting prisoner of war operations in the War of 1812. The removal of the prisoners from the frontline areas and rapid exchange of prisoners virtually eliminated threats to the American forces at the front. The use of existing guards in jails to watch prisoners of war avoided reducing unit strength for prison details.

The use of existing facilities also reduced the spontaneous conflict in prisons. There were few charges of maltreatment at the various prisons. Although prisoners made complaints about being punished for offenses committed in prison, the issue was that the offenses were not illegal in their army. The types and amounts of punishment were not excessive.⁸⁹ The mutual agreement between Great Britain and the United States that prisoners were subject to the laws of the detaining power became codified in international law later.

The organization created for the management of prisoners of war was extremely flexible and responsive. The Commissary General provided direction and oversight. His staff was responsive to the British agent and sub-agents. The marshals conducted their affairs efficiently and with apparent compassion. The marshals' ability to use available facilities was a mark of their flexibility.

The only significant negative feature of the prisoner of war operations in the War of 1812 was the hostages. However, in a war fought largely over impressment of naturalized American citizens, the British attempt to enforce that concept was not surprising. The British failed to anticipate the American response. Political maneuvering by both countries threatened the cartels throughout the war, but each country acted responsibly and tried to reduce the impact of politics on the individuals held hostage. The inability of the British to gain any substantial political advantage from the hostage situation proved the policy a failure and, therefore, an American success.

C. Mexican War

1. Wartime Circumstances. The American expansion to the west caused frequent border clashes with Mexico in the years after the War of 1812. Texas won its independence from Mexico in 1836 after the Battle of San Jacinto. The Annexation Act that admitted Texas into the

Union in 1845 instigated hostilities with Mexico. In April, 1846, the Mexican Army crossed the Rio Grande and attacked U.S. frontier forces in Texas.⁹⁰

The American forces began the war with about 2,000 Regular Army soldiers supported with frontier irregulars. For the American Army this war had two chief distinctions: it was fought primarily by regulars instead of militia forces and at the end of a long supply route.

The Mexican Army usually outnumbered the American forces by a ratio of four-to-one. Soldiers were armed with weapons imported from Europe and thus were technologically the equals of the Americans. Mexico had a trained army that was skilled in artillery and engineering. Seizing the initiative, the Mexicans could choose the method and location of attack.

Geography favored the Mexicans by providing defensible terrain, limited routes of approach, and relatively short lines of support. Although allied with France, Mexico received little assistance other than weapons. The almost non-existent Mexican Navy could not defend the long coastlines and left ports open to American attack.

2. Current International Law. In the years following the War of 1812, there were no major developments in International Law regarding prisoners of war. The basis for treatment of prisoners remained proper and humane treatment until an exchange or parole could be arranged.

In the United States, however, Secretary of State Daniel Webster wrote:

Prisoners of war are to be considered as unfortunate and not as criminal, and are to be treated accordingly, although the question of detention or liberation is one affecting the interest of the captor alone, and therefore, one with which no other Government ought to interfere in any way; yet the right to detain by no means implies the right to dispose of the prisoners at the pleasure of the captor. That right involves certain duties, among them that of providing the prisoners with the necessities of life and abstaining from the infliction of any punishment upon them which they may not have merited by an offense against the laws of the country since they were taken. (1842) ⁹¹

Although Secretary Webster's views were not official policy, they clearly affected U.S. treatment of Mexican prisoners. Although a political opponent of the previous Secretary of State, President Polk obviously supported ex-Secretary Webster's guidelines and sent General Taylor a message to that effect.⁹²

3. Summary of Enemy Prisoner of War Operations. Although the U.S. took many prisoners during the Mexican War, few were held for any length of time. Because of the distances involved, the army did not usually ship the prisoners back to the U.S. The distance also made the cost of maintaining the prisoners behind the American lines prohibitive.⁹³ Most prisoners, were released on parole with the condition that they not reenter the war. General Taylor sent those who would not sign a parole to a central point to

await exchange. The exchanges occurred on an irregular basis and were based on soldier-for-soldier equalities which avoided the cartel problems of earlier U.S. experiences.

After General Scott released on parole 3,000 prisoners captured at the Battle of Cerro Gordo, President Polk directed that officers no longer be paroled. This action apparently was the result of the rising appreciation for the professionalism and effectiveness of the Mexican officer corps. President Polk also felt that the officers were supporting General Santa Anna politically and legitimizing his control over the Mexican government. Therefore, the officers captured at Chapultepec were held in prisons until the end of the war.⁹⁴

The Treaty of Guadalupe Hidalgo, concluded on February 2, 1848, provided for full repatriation of all prisoners upon ratification. The formal ratification was completed on May 30, 1848 and the U.S. experiences with prisoners of war in Mexico ended.⁹⁵

4. Determination of Success/Failure. The U.S. did not intern prisoners in large numbers for extended periods during the Mexican War. Therefore the U.S. experience in Mexico falls outside the objective criteria established in Chapter I.

However, the humane treatment of Mexican prisoners created such a positive effect upon the Mexican Army and populace that I felt it necessary to include the experience

in this paper. The absence of claims of mistreatment and the avoidance of politicalization made the parole policies extremely successful. The state of goodwill created by the humane policies toward prisoners undermined General Santa Anna's government and culminated in a friendly peace.⁹⁶

The American experience with prisoners of war in Mexico was successful. The U.S. prevented the political exploitation of prisoners, eliminated any threat to American front line units, treated the prisoners humanely, reacted to changing situations, and actually won the respect of the prisoners. The policies were so successful that President Polk toughened the official stance toward treatment of captured officers to try to shorten the war.

D. Civil War

1. Wartime Circumstances. On 12 April, 1861, Confederate soldiers under General Beauregard opened fire upon the Union forces garrisoning Fort Sumter. This action was the culmination of more than 40 years of slavery-related tension between slave and non-slave states. Although non-slavery issues - states rights, economic repression, and regional political balance in Congress - contributed to the Civil War, slavery was central to all arguments and affected prisoners of war the most.

The Union consisted of twenty-two states, a large population, diversified industry, legitimacy, and redundant

communications networks. The Confederacy consisted of eleven states, a population only one-third that of the Union's, an agrarian economy, no established government, and insufficient and inefficient transportation networks. The existence of an established army and navy was not a significant advantage for the Union because of the large number of officers who resigned from the Union army to join the Confederacy. The lack of an established government was mitigated by the experienced leaders and administrators available to the Confederate government.⁹⁷

Of great concern to the Confederacy, especially as the Union blockade became more effective, was the inability to sustain its population, armies, and prisoners. The early loss of mobility on the western rivers and railways prevented the transport of foodstuffs from the agriculturally rich central and western states to the population centers in the east and gulf coastal regions. Of equal impact on prisoners was the inclusion of drugs and medicines on the list of contraband items.

2. Current International Law. No significant changes regarding prisoners of war occurred in the realm of international law in the years between the Mexican War and the beginning of the Civil War. The American government believed that the humane treatment afforded by the United States to Mexican prisoners would induce future enemies to reciprocate.⁹⁸

During the war however, the attrition policy and growing number of prisoners caused prison conditions to deteriorate. Professor Francis Lieber prepared a list of rules for the Union Army regarding treatment of prisoners of war to try to alleviate suffering. The "Lieber Code" thus became the first code of uniform standards of the rights, duties, and status of prisoners issued by a government. The Lieber Code was published on 24 April, 1863, as U.S. War Department General Order 100, "Instructions for the government of Armies of the United States in the Field."⁹⁹

After publication of the Lieber Code, the armies of both the Union and the Confederacy at least nominally followed its provisions. Key provisions stated: the prisoner is the enemy of the government and not the captor; prisoners will not be subjected to intentional suffering or indignity; prisoners will be fed wholesome food; prisoners will be treated with humanity but may be required to work; and wounded prisoners will receive treatment from the medical staff of the detaining government.¹⁰⁰

The primary aim of the Lieber Code was to standardize humane treatment for prisoners of war captured by the United States. However, it also served to ameliorate British indignation for past Union policies declaring Confederate ship captains operating under Letters of Marque pirates.¹⁰¹

3. Strategic Aims of Combatants. The Union intended to bring the Confederate states back into the Union and restore the political status quo ante bellum. The strategic plan to accomplish their aim was General Winfield Scott's Anaconda Plan. The Union Navy blockaded the Confederate ports while the Union Army drove down the Mississippi to New Orleans to cut the Confederacy along the river. The Union Army also attacked Confederate forces in the East, seized coastal facilities, and destroyed Confederate forces wherever found.¹⁰²

The Confederacy wanted to depart the Union in peace, but was prepared to gain her independence by force. When war became a reality, the Confederate strategy was to defeat or stalemate the Union armies, break the Union blockade, and use the threat of withholding cotton from the international market ("King Cotton") to obtain British and French recognition.¹⁰³ The Confederacy needed to build a government and act like a nation to receive international legitimacy.

4. Key Enemy Prisoner of War Issues. Most of the press coverage and subsequent writings on the Civil War prisoner of war camps concerned the treatment accorded the prisoners, but five significant issues affected that treatment throughout the war.

The first issue was the determination of the status and treatment afforded to ship captains acting under the Letters of Marque authorized by President Jefferson Davis on

April 17, 1861.¹⁰⁴ The Letters offered southern shipowners the "right" to turn privateer and capture Union merchant prizes. On April 19, 1861, President Lincoln responded with a proclamation threatening to treat the ship crews as pirates. After several of the privateers were captured, Jefferson Davis declared that for any southern privateer executed for piracy, a Union prisoner of war would be hanged.

In the fall of 1861, courts in Philadelphia sentenced several of the prisoners to hang; Jefferson Davis responded by identifying prisoners for retaliation. The Union position was legally untenable since Lincoln's proclamation blockaded southern ports. This implicit recognition of the Confederacy as a belligerent resulted in a government decision on February 3, 1862 to treat captured privateer crews as prisoners of war.¹⁰⁵

The second issue was of concurrent concern with the privateer issue. The determination of prisoner of war status for any captured personnel was immediate by the Confederate forces. However, the Union initially identified captured personnel as traitors and rebels, not prisoners of war. In fact, the U.S. government refused to directly correspond with the Confederate government concerning the treatment or exchange of prisoners. Initial discussions with Confederate authorities were limited to battlefield

exchanges and paroles between the local military commanders to avoid making a prisoner of war determination directly.¹⁰⁶

The third contentious issue was the ongoing debate over exchange and parole between the two governments. As mentioned above, the first attempts were authorized by the governments but were actually conducted by the local commanders. Official discussions began on 23 February, 1862 and eventually produced the Dix-Hill Cartel. The Dix-Hill Cartel provided for the exchange of prisoners and the parole of prisoners excess to those returned by the enemy until exchange. Both sides observed the agreement only to the extent that observation served their interest at the time. For example, as the Union recognized the significance of the war of attrition and the advantages of each soldier on the defense, the Union gradually avoided exchange on technicalities.

The fourth issue was the status of Negro soldiers enlisted in the Union Army. When President Lincoln issued the Emancipation Proclamation, President Jefferson Davis decreed that captured Negro slaves would be delivered to their state and owner of origin and punished accordingly. The Union then suspended the Cartel. President Lincoln also decreed that the Union would execute a southern prisoner of war for each black prisoner killed and would place at hard labor one rebel prisoner for each black prisoner placed into slavery. In July, 1863, President Lincoln adjusted the

policy to limit retaliation to punishment of the perpetrators of southern excesses when captured. By the end of 1863, the Confederacy adjusted its policy to not enslave those black soldiers who could prove that they were not slaves prior to enlistment in the Union Army.¹⁰⁷

Although treated as prisoners of war, captured black soldiers and their officers received less than favorable treatment in Confederate prisons. Guards selected black prisoners for the worst duties around the various prisoner of war camps: latrine digging and cleaning, burial detail, hard labor, and hospital work. The blacks and their officers also were often kept in local jails rather than in prison camps - a measure designed to lower the status of the blacks which actually led to more healthy living conditions.¹⁰⁸

Up to the end of the war, the issue of the treatment of black prisoners had a profound effect on many aspects of prisoner of war issues. In October 1864, General Lee proposed an exchange of prisoners with General Grant in Virginia. Grant agreed provided that the black and white prisoners be exchanged and treated equally. Lee, responding along the Confederate government's official policy lines, declined to accept the conditions. Thereupon, Grant terminated the exchange discussions. Finally, in January 1865, when the Confederacy began recruiting black soldiers for the army,

the Confederate government relented and offered to exchange all prisoners. A cartel began and operated until the war's end.¹⁰⁹

The fifth and final issue concerned mistreatment of the prisoners. Both sides contended that the enemy purposefully mistreated prisoners. The effect on the prisoners was profound. They were constantly the objects of reprisals and retaliation. The Confederacy could not adequately support its armies in the field and provided no better support for the prisons. Union prison officials, in reprisal for reported Confederate abuses, cut the diet of prisoners.¹¹⁰

All prisons, north and south, established "deadlines" - lines of demarcation that if crossed, got a prisoner shot. The Union press maintained a steady stream of complaints about the inhumanity of the Confederacy for establishing such measures. The Confederate press responded in kind. Newspapers and magazines in all areas of the country printed articles about personal abuse, beatings, unnecessary punishments, and retaliatory executions.¹¹¹

Cries about prisoner mistreatment did not end with the surrender of the Confederacy. The first post-war war crimes trial in American history followed with the charges centering around conspiracy to mistreat the prisoners. During the seven years following the war, no less than forty-eight books or long articles were published about experiences in southern prisons. More than two hundred

followed in later years. Of the books published, five-sixths were by Union soldiers or from the Union point of view, but an adequate and lively southern rebuttal ensued.¹¹²

5. Initial Structure for Prisoner of War Operations. As the war opened, neither the Union nor the Confederacy had an organizational structure in place for the management of prisoners of war. The experiences of the Mexican War proved the efficiency of exchanging and paroling prisoners and senior leaders assumed these policies would continue. The first prisoners taken were exchanged or paroled. The Union released prisoners in Missouri and western Virginia. The Confederates paroled prisoners in Texas and Virginia.

Two early exceptions forced the government authorities to begin plans for housing and protecting prisoners of war. The Confederates did not want to release the army General Twiggs surrendered in Texas. The Union did not release officers who resigned their United States commissions to join the Confederacy. The Confederates established a makeshift prison camp in Texas while the Union housed detained officers at Fort Lafayette, New York. Organizations consisted of local guards and a commander.¹¹³

6. Changes in Prisoner of War Organization During War. Early skirmishes in the war demonstrated that

the war would not be a quick one decided by one decisive battle. Rather, the war would be a prolonged affair. The parole system proved too difficult to control on a large scale. This necessitated the holding of prisoners of war either for exchange or to deny the enemy the services of its lost soldiers.

The Union created the first official organization for the management and control of prisoners of war. By law, the responsibility for prisoners of war belonged to the Quartermaster General of the Army, General M. C. Meigs. In July, 1861, General Meigs requested authority from the Secretary of War to establish a Commissary-General of Prisoners with similar duties to those performed by the Commissary-General of Prisoners in the War of 1812. Finally, in October, Secretary of War Cameron approved the appointment of Lieutenant Colonel Hoffman as the Commissary-General of Prisoners.¹¹⁴

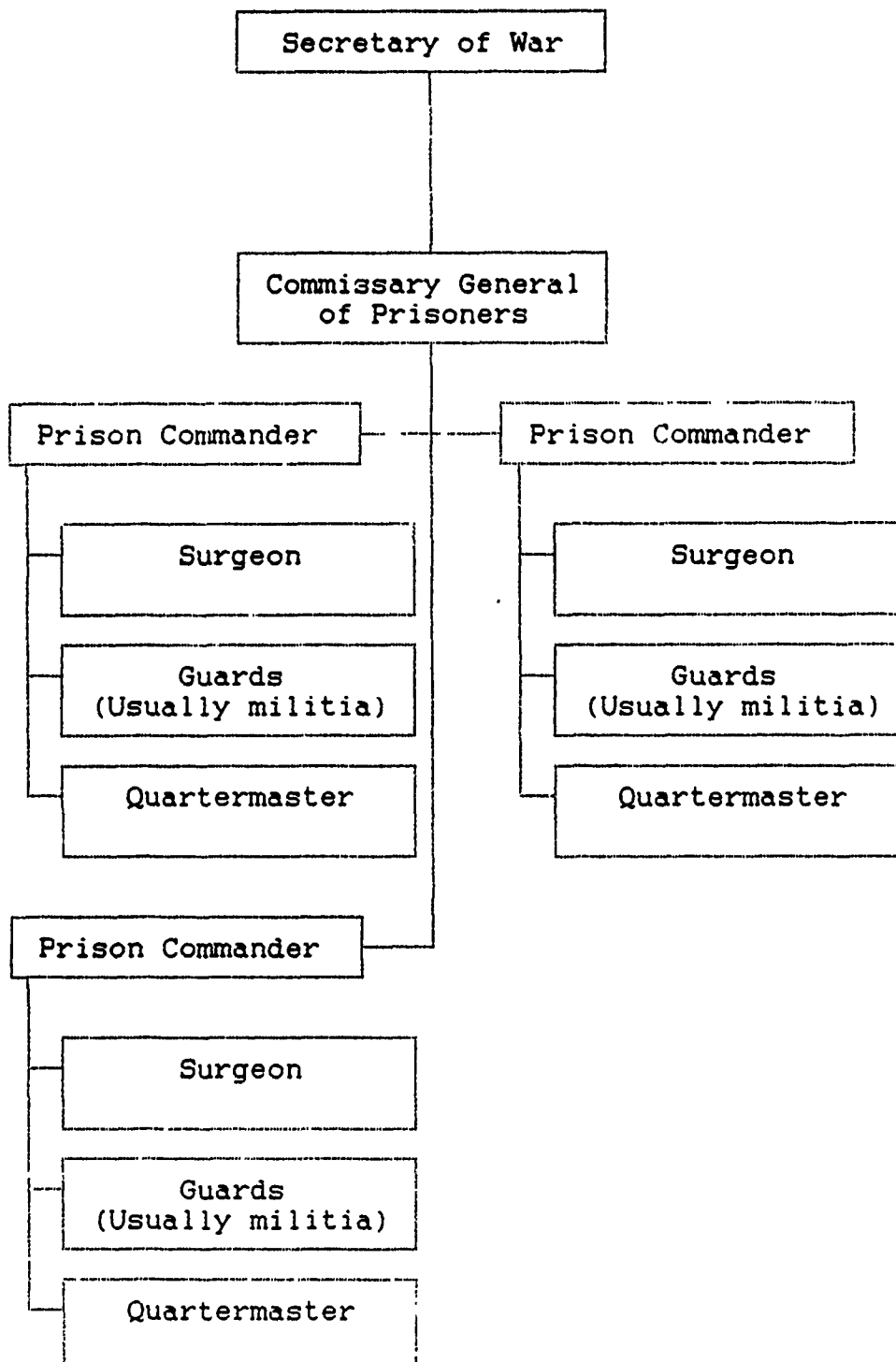
The appointment of Lieutenant Colonel Hoffman was not announced however, so army commanders tended to make their own arrangements for the prisoners. As late as April, 1862, General Halleck distributed prisoners from the capture of Island Number 10 to local authorities in Chicago and Springfield, to the governor of Indiana, and to authorities at Camp Randall, Wisconsin.¹¹⁵ Special organizations were not normally established for prisoners held locally or by

the states; they were held in available jails or empty training barracks under the guard of militia or marshals.

One of Lieutenant Colonel Hoffman's first acts was to tour the islands in Lake Erie to find a location for a new prison. He selected Johnson's Island near Sandusky. After a thorough review of the available assets and requirements, Hoffman reported that Johnson's Island was secure, available, and supportable.

The organization created by Hoffman for Johnson's Island became the prototype for formal prisoner of war camps in the north during the war. (Figure III-10) Hoffman selected Major William S. Pierson as the first commander. Pierson did not have a military background but displayed qualities of discipline, compassion, and organizational ability that Hoffman desired. The governor of Ohio provided a company of guards (later increased to two companies) to work under Pierson. Hoffman appointed a quartermaster to serve on Pierson's staff. The quartermaster supervised not only the provisioning of the camp, but also controlled transportation of prisoners away from the camp, preparation and distribution of food, and camp construction. A surgeon completed the formal staff.¹¹⁶ This organization remained in effect throughout the remainder of the war with only two slight alterations: in June 1862, the Commissary-General was removed from the Office of the Quartermaster General and was

Figure III-10
UNION PRISON CAMP ORGANIZATION

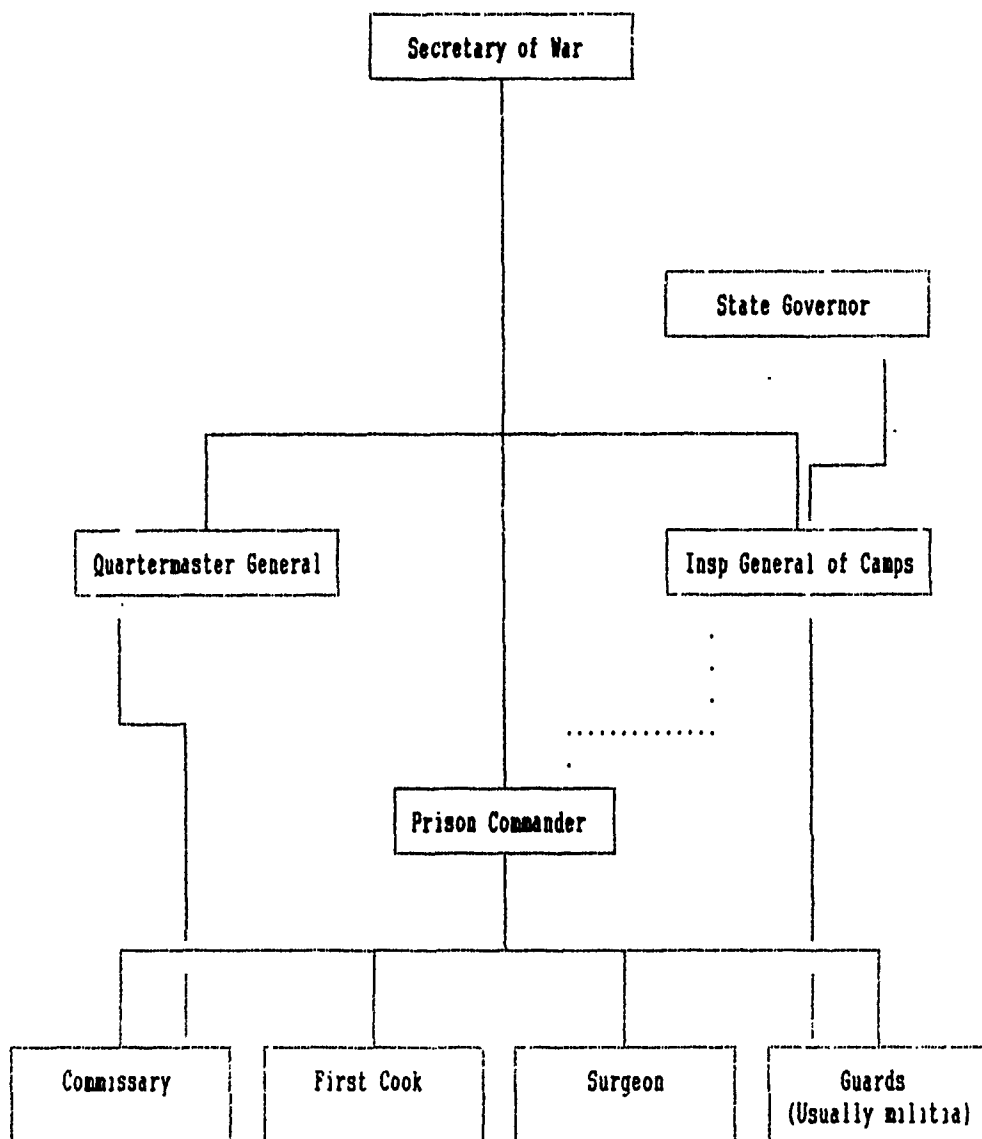


made subject only to the orders of the War Department and by October 31, 1862 all Union prisoner of war camps were under the Commissary-General's charge.¹¹⁷

The earliest Confederate regulations for the army merely stated that prisoners of war would be disarmed and sent to the rear under guard. On May 21, 1861, the Confederate Congress passed legislation to place prisoners under the control of the Secretary of War with rations the responsibility of the Quartermaster-General. The Inspector General of Camps, General Winder, acted as a consultant for the Secretary of War, but by August, 1861, took active supervision of prisoner of war camps. In most cases, governors selected prison commanders. The state governors provided guards to the prison camps but did not release authority over the guards to the prison commanders. Rudimentary staffs consisted only of a commissary, a first cook, and a surgeon (if available).¹¹⁸ (Figure III-11)

As the Confederacy captured increasing numbers of Union prisoners, the Secretary of War corresponded with state governors to locate sites for new prisons. The basic organizational structure of the prison system remained pretty constant with the prison commanders working for the Secretary of War and the Inspector General of Camps. However, as prisons proliferated, the state governors demanded and received more authority in the location and management of the prison camps.

Figure III-11
EARLY CONFEDERATE EPW ORGANIZATION



The prison camp organization did evolve as expertise grew and the number of prisoners interned increased. Surgeons became routine; a Commandant of the Interior provided control of the prisoners; an engineer and a transportation officer joined the staff; and a quartermaster was assigned. (Figure III-12)

When the prisoner exchange ended and the Union armies pushed farther into the Confederacy's interior, the authority of the state governor and his staff expanded to the inner workings of the various prison camps. The requirement to protect the prisons from raiding cavalry and armies put the commander of the nearest Confederate army into the prison authority structure. The problems of feeding large numbers of prisoners in one place forced the Confederates to create several small prisons under one commander - a precursor of the prison sub-camps of World War II. The resulting organizations differed from place to place because the circumstances and desires of the governors varied. (Figure III-13 is representative of a possible organization structure.)¹¹⁹

The dispersion of the prisoners and the constant moving of prisoners to avoid Union armies caused the Confederacy to create a new organization structure. On November 21, 1864, General Winder became the Commissary-General of Prisoners for the Confederacy. He was responsible for all prisons east of the Mississippi (those west of the river

Figure III-12
PRE-1864 CONFEDERATE EPW ORGANIZATION

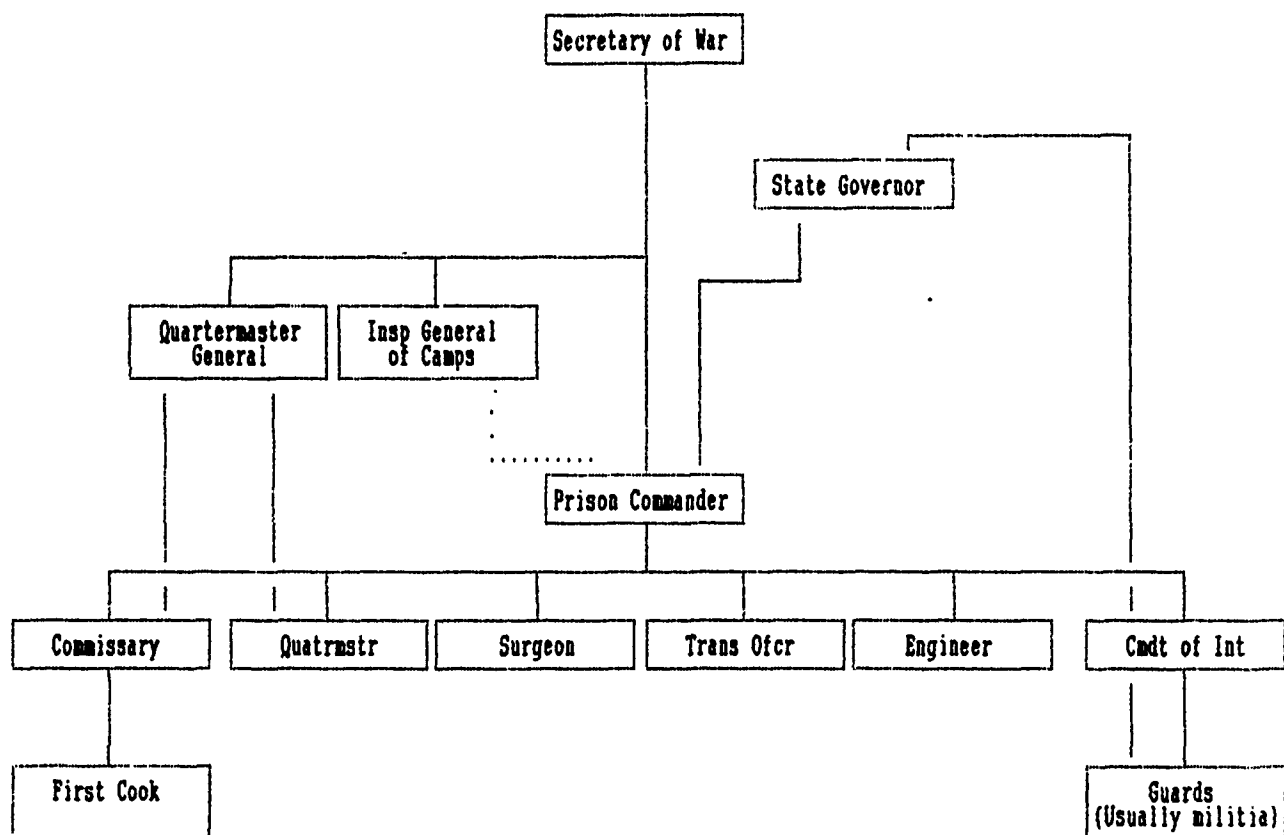
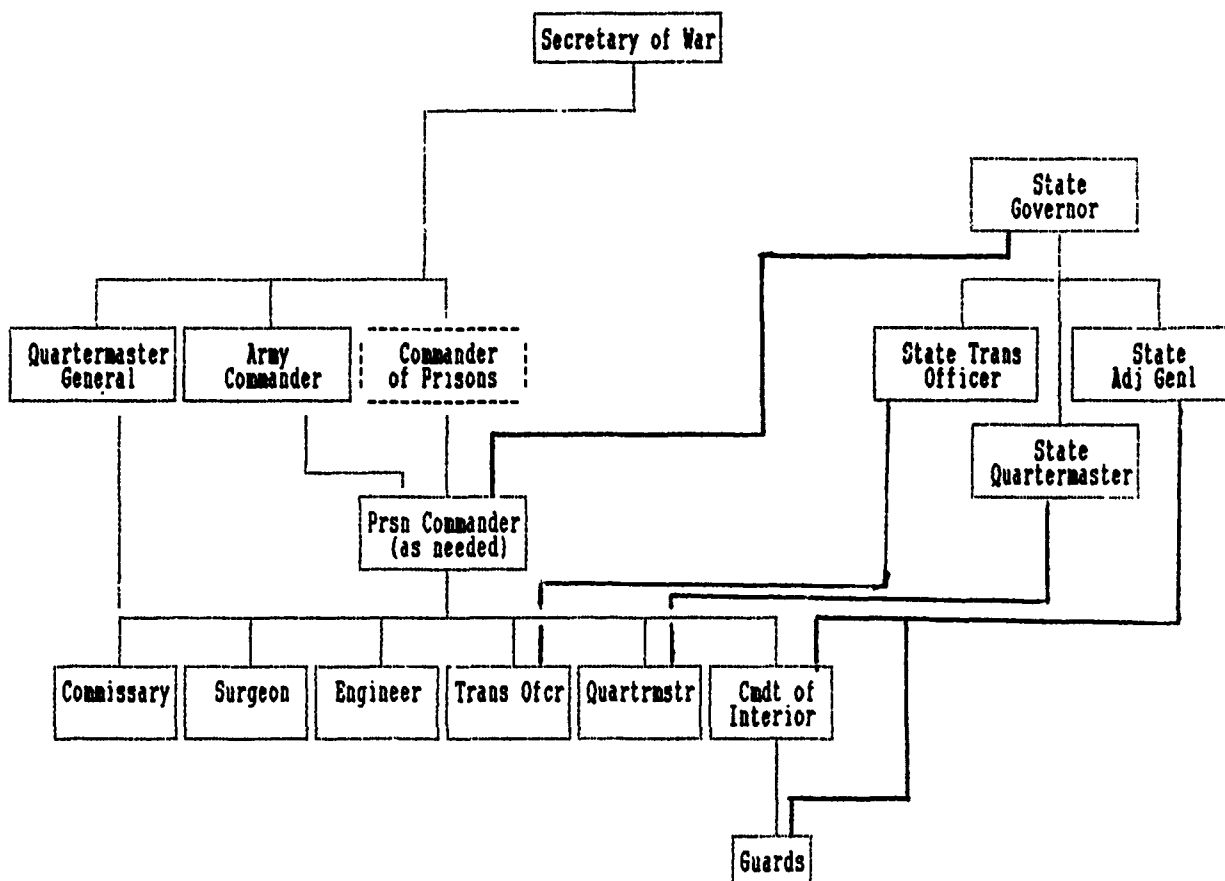


Figure III-13
POST-1864 CONFEDERATE EPW ORGANIZATION

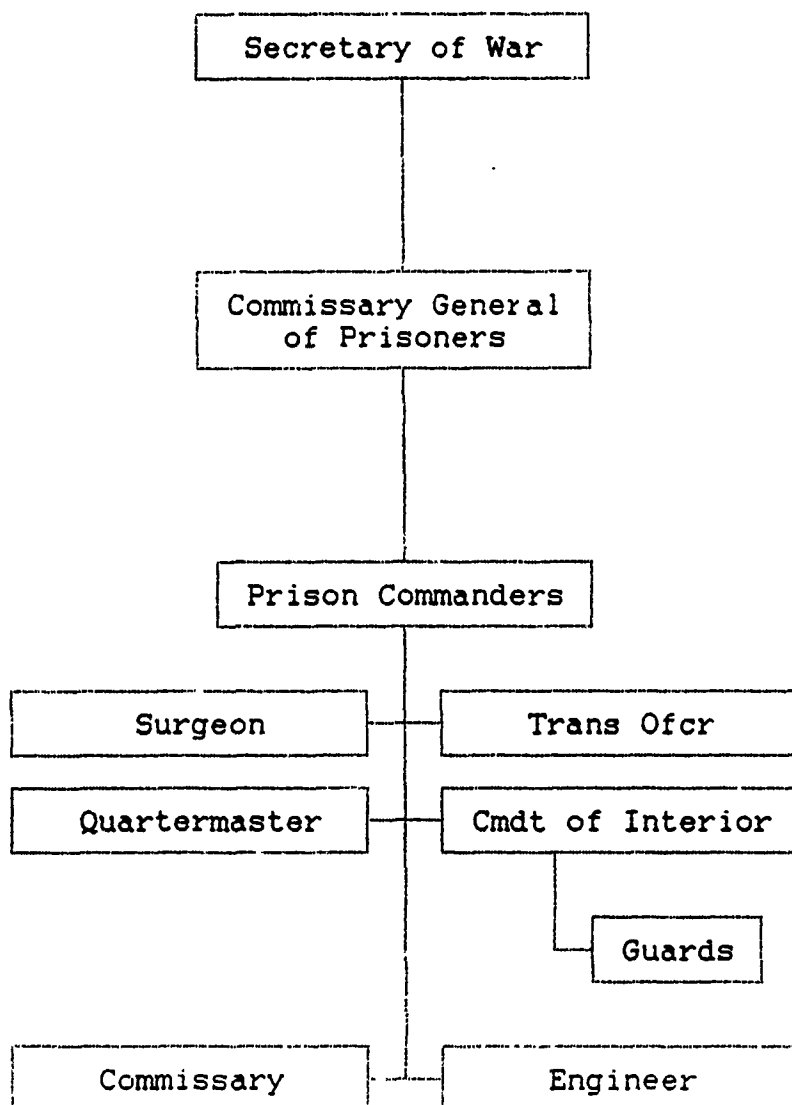


were under the control of local authorities). Department and Army commanders were prohibited from interfering with Winder's orders to the prisons. The prison commanders were placed under Winder's sole control. The prison commanders also gained exclusive authority over the guard forces. The state governors and their staffs lost their influence as the Confederate government sought to centralize control and authority. This extensive restructuring corrected many of the structural deficiencies of the Confederate prison system but came too late to prove effective.¹²⁰ (Figure III-14)

7. Summary of Enemy Prisoner of War Operations. During the Civil War, both the Union and the Confederacy professed to treat prisoners of war with humanity and care. The practice did not, however, match the sentiment.

The Union and the Confederacy conducted prisoner of war operations in three distinct phases during the Civil War.¹²¹ Initially, the Union held prisoners in obsolete forts, county jails, or converted training posts until the prisoners could be exchanged. Early prisons were at Fort Lafayette, New York; Fort McHenry, Maryland; and Fort Warren, Massachusetts. Prisoners were also held at Fort Columbus, New York (also known as Castle William); Camp Chase, Ohio; Camp Douglas, Illinois (Chicago); and in a confiscated medical college and deserted slave pen in St. Louis.

Figure III-14
REORGANIZED CONFEDERATE EPW OPERATIONS



The dispersion and lack of uniformity of treatment caused the creation of the Commissary-General of Prisoners and the planned prison at Johnson's Island. The prison system expanded to include camps at Indianapolis, Terre Haute, Lafayette, and Richmond Indiana.¹²²

The Confederate government adjusted as quickly as possible to the arrival of the first prisoners but could never overcome the limitations of the lack of transportation and supplies. The first prisons were in Richmond under the nominal control of the Inspector-General of Camps and local jails under the control of the army commanders. The Confederacy also began development of permanent prisons at Salisbury, North Carolina and Tuscaloosa, Alabama. Although the southern commanders attempted to provide good care to the prisoners, the Confederacy did not develop a comprehensive system until after the signing of the cartel.¹²³

During the first phase, both sides learned the war would not be over quickly, grasped the difficulties of holding large numbers of prisoners for an extended period of time, and discovered the political problems the prisoners of war could cause. The Union government felt that it could not deal directly with the Confederate government without recognizing Confederate legitimacy so negotiations were conducted between armies. The first phase ended with the adoption of the cartel on July 22, 1862.¹²⁴

The second phase of prisoner of war operations existed during the period of exchanges conducted under terms of the Dix-Hill Cartel. The cartel was a carefully worded document designed to avoid the issue of recognition. For example, the legitimacy of the signers was "commissioned by the authorities they respectively represent."¹²⁵ The cartel officially resolved the privateer issue by requiring treatment as prisoners of war. The cartel also clarified the treatment of militia members captured when not performing duties under arms. The cartel declared they would be treated as civilians but could be exchanged for persons "of equivalent status."¹²⁶ The basic agreement established a table of equivalences for exchange and called for parole of enemy prisoners of war within ten days of capture if exchange was not completed first.

Observance of the cartel varied over the year it was in effect. Each side enforced diligently those provisions assumed to be in their favor and violated unfavorable provisions. Problems with the cartel centered on the proper use and status of paroled prisoners awaiting exchange and the Confederacy's refusal to include Negro soldiers and their officers under the cartel.

Paroled prisoners created a significant problem for the Union during 1862 and early 1863. The parolees were not to bear arms, guard, police, or perform constabulary duties.

Strict adherence to the cartel meant that the Union could only house and feed the returning prisoners until properly exchanged. The Confederacy also informed the prisoners upon parole that they were entitled to a furlough back home and back pay. The result was an increasing morale problem and a growing fear that soldiers would surrender at first opportunity to avoid further service. Union governors complained when General Halleck ordered paroled prisoners to gather far from the home states and made plans to form regiments of parolees to put down an Indian uprising in Minnesota. The press in the Union demanded further exchanges and paroles to relieve suffering of prisoners held in the south. Riots and disobedience in the parolee camps ensued. For example, at Camp Douglas, the irate parolees burned down three buildings and severely damaged fourteen more because they felt the orders they received violated their parole.¹²⁷ Similar problems occurred in the Confederacy, but not until the large Confederate surrenders in the summer of 1863, primarily Vicksburg.

The problem of the status of the Negro soldiers and their officers exacerbated the parole problems. The Confederacy refused to admit the legitimacy of using Negro soldiers and refused to treat them as prisoners of war. In response, President Lincoln declared that the Union would retaliate if any United States soldier was killed or enslaved. The Confederate exchange agents responded by

forcing the most limited interpretations of the cartel upon the negotiations which slowed the process and fostered discontent among the northern civilian population. The final result was the effective suspension of the cartel on May 25, 1863.¹²⁸

During the period of the cartel, the Union War Department issued three significant General Orders - 49, 100, and 207 - that affected the immediate problems of the cartel and also formed the basis for future United States enemy prisoner of war operations. General Order 49, 29 February, 1862, required formal paroles signed by commissioned officers recognized as "belligerents" (organized forces). The purpose of this order was to eliminate paroles by irregular forces operating throughout the fringes of the Confederacy. General Order 100, April 24, 1862, promulgated the Lieber Code. The Confederate authorities accepted the Lieber Code, however both sides violated its specifics and tone throughout the remainder of the war. General Order 207 was issued on 3 July, 1863, after the suspension of the cartel but during the attempts made to revive it. This order required the release of paroled prisoners at only two designated exchange points or the releases would be considered invalid. The sentiments expressed in these orders severely restricted the legitimacy of paroles and not only ensured the cancellation of the Dix-Hill Cartel in 1863, but

carried into the later Code of Conduct which prohibits United States personnel from accepting parole.¹²⁹

The third phase of prisoner of war operations began with the collapse of the cartel and continued to the end of the war. During this phase, the prisoners held in the south received decreasing levels of care as their numbers increased and the Confederacy's assets declined. The transportation system in the south, minimal at the outset of the war, had been reduced to primarily local service. Confederate prisoners held in the north fared better, but neither side provided the level of treatment required under the Lieber Code.

As reports of maltreatment in southern prisons increased, the Union responded by reducing the rations of the Confederate prisoners. Prison funds established by the commanders of the Union prison camps provided items not furnished by the Union government. By reducing rations provided to the prisoners, the funds grew large. Collusion between camp officials and contractors swelled these funds and often lined the pockets of the camp officials.¹³⁰

By the end of the war, both sides had extensive networks of prison camps. The Confederacy continued to use available structures - warehouses, jails, hotels, and insane asylums - but also designed and built prisons - Andersonville, Florence, Danville, and Millen. The site selections

were based on engineering and sanitation considerations but also were influenced by state politics. Locating the camps away from the fighting fronts provided protection but diverted transportation and guards needed elsewhere. The Union primarily used training sites converted for use as prisons but did establish new prisons at Rock Island, Illinois and Point Lookout, Maryland.

Throughout the war, the Union and the Confederacy attempted to alleviate suffering of prisoners and attempted to use retaliation to improve conditions for prisoners held by the enemy. Although admitting that the destruction of the Confederate farms precluded adequate supplies being sent to prisons and that the Confederate Army received the same rations as prisoners held in the south, the Union government continued to seek popular support of its exchange policies by retaliation.¹³¹ The Union and Confederacy attempted to provide for their soldiers held in enemy prisons by sending food, clothing and money through enemy lines. Although the articles did for the most part get to the prisoners, each side accused the other of stealing to maintain deprivation. The accusations led to reduced efforts, although the practice never completely stopped.¹³²

Both Union and Confederacy used militia, old men, and infirmed soldiers as guards for the prisoner of war camps. In general, the guards were not cruel, but the treatment was not always consistent. Individual guards

handled problems without consistent guidance and punishments varied among the camps for similar offenses. The testimony of the prisoners of both sides indicates their preference for combat veterans as guards but the treatment of the militia was generally no more than callous.¹³³

The Union used prisoners for labor only sparingly and usually only in retaliation for alleged Confederate abuses. General Meigs, the Quartermaster General, proposed using prisoner labor to build and repair roads, build bridges, repair railroads destroyed in the war, and in handling and shipping stores. Dr. Lieber concurred that the use of prisoner labor was permitted under the Lieber Code. However, the only extensive uses occurred at Rock Island where the prisoners built a waterworks and sewer and at Elmira, New York where the prisoners built a large drainage ditch in early 1864. On 13 June, 1864 the Commissary General of Prisoners issued a circular defining the conditions and regulations for such employment.¹³⁴

The Confederacy tended to imprison white Union soldiers but let them sit idly. Captured blacks were usually not confined in prisoner of war camps but placed among various nearby cities and large farms to work in the fields or on public works. No large-scale attempts to mobilize the large number of prisoners held in the prison camps appear to have been made although the Confederate government approved

of such use. Where prisoners could work to help provide for their subsistence or comforts, they were allowed to do so until security became a problem. A few prisoners took an oath of allegiance to the Confederacy and worked in factories; for example, at least 60 were working in the Tredegar Iron Works in early 1863.¹³⁵

Both sides attempted to recruit volunteers from among the prisoners at various times during the war. The Confederacy tended to recruit foreign-born prisoners as Yankees "are not to be trusted" but did not establish a national program. The Union position changed from a prohibition to reluctant enlistment to a nationwide program of encouraging enlistments of prisoners. The different levels of acceptance depended on the need for soldiers in the ranks. By 1864, President Lincoln pardoned any prisoner who would take an oath of allegiance and enlist in the Union Army. During the war, 6,334 Confederates held by the Union enlisted in the enemy's army and 3,170 Federal soldiers switched their allegiance to enlist in the Confederate Army.¹³⁶

On 9 April, 1865, General Lee surrendered at Appomattox Court House. The terms of the surrender allowed the officers to keep their side arms, horses, and baggage and to accept a parole until an exchange was completed. On 17 April, similar terms were offered to Confederate forces operating in the south and west of the Confederacy. The

Union released the prisoners it held as transportation became available and moved prisoners from Confederate prison camps in groups as quickly as medically possible. In July 1865, President Johnson ordered the release of all prisoners of war except those who were captured with Jefferson Davis. By October 20, 1865, only six prisoners were still held.¹³⁷

Although the war was over and the prisoners returned to their homes, prisoner of war operations were not over. By the terms of amnesty originally prepared by President Lincoln, prison officials charged with cruelty to prisoners were not covered and were subject to arrest and trial. On May 7, 1865, Major Wirz, was arrested at Andersonville and transported to Washington for trial. A military tribunal found him guilty of conspiring with Jefferson Davis, General Winder, and seven others to impair the health of the prisoners and guilty of murder of ten prisoners (three more murders were added at the reading of the findings but were not included in the original charge). By order of the tribunal and President Johnson, Wirz was hung on 10 November, 1865. Several others were tried for various charges related to prisoners of war, but only one convicted - Private James W. Duncan - for crimes allegedly committed at Andersonville and sentenced to fifteen years at hard labor.¹³⁸

8. Determination of Success/Failure. By any measures of success, both the Union and Confederate

prisoner of war operations failed. The statistics are indicative but cannot be trusted as fully accurate because of poor record keeping practices and the destruction of records at the end of the war.

Of the approximately 463,000 Confederates captured by the Union, about 215,000 actually were in Union prisoner of war facilities. Of these, 25,976 (12 percent) died. Of the approximately 212,000 Federals captured by the Confederates, 195,000 were held in prisoner of war facilities. Of these, 30,218 (15.5 percent) died. Therefore, it would appear that the Union failure was less than the Confederacy, but still a failure.¹³⁹ Rates of death among prisoners at the prison camps were highest at Elmira, New York (for the north) at 24 percent and at Salisbury, North Carolina (for the south) at 34 percent.¹⁴⁰

Escape was more of a problem for the Confederate authorities than for the Union. During the war, approximately one and one-half percent of all prisoners of war escaped from Confederate prisoner of war camps.¹⁴¹ The percentage of escaped prisoners from Union camps was somewhat lower, but uncertain. To maintain control, both armies used "deadlines" in their prisons with fences or stockades to prevent prisoners from approaching too close to the retaining walls. Both armies also used dogs to track and corner escaped prisoners. Officers and enlisted soldiers were often kept together which permitted the officers to

lead and encourage their men. Often, cannon were placed to fire into the prison to maintain order and prevent escape.¹⁴²

The typical guard-prisoner ratio was approximately 1-15 but varied significantly over the course of the war and by location. At Andersonville, where the Confederates stayed in constant fear of a mass uprising because of the large number of prisoners interned, the guard force usually numbered 3200 for approximately 32,000 prisoners. However, all but 219 were untried militia of poor quality.¹⁴³

Throughout the war, neither side could prevent the use of the prisoners for political or journalistic exploitation. The authorities constantly found themselves defending their policies especially regarding exchange and parole. The intermingling of the rights of Negro soldiers with prisoner of war policy particularly plagued President Lincoln. The U.S. Sanitation Commission report used the sufferings of the prisoners in the Confederate-run camps for political gain in the north. Both sides lost public support for their policies.¹⁴⁴ The capstone of the impact of prisoner of war issues on politics occurred during the election of 1864. Although the ultimate impact was slight, the Union anti-war press attempted to unseat President Lincoln by claiming he exacerbated the prisoners' plight.¹⁴⁵

The prisoners clearly were not satisfied with the treatment afforded them. Treatment early in the war was satisfactory, but even then complaints arose frequently. After the cartel began to break down, the prisoners complained to anyone who would listen and even petitioned their Presidents for assistance thru resumption of the exchange. President Davis even sent his Vice-President to Washington to confer with President Lincoln at one point to resolve prisoners' complaints; however, the Union President would not see the Confederate for fear of admitting legitimacy. The disease, malnutrition, and idleness that afflicted the prisoners were central themes of articles and books published after release, exchange, or escape. The prisoners' discontent can best be seen by the volume of literature blaming their captors for all manners of atrocities - even into the twentieth century ex-prisoners published memoirs and personal diatribes. The Union was certainly not blameless, but the victors wrote the history - four-fifths of the 250 memoirs listed by Hesseltine were anti-south - so the impression persisted that the Confederate prisoners were more contented than the Union prisoners.¹⁴⁶

Neither the Union nor the Confederate prison officials could eliminate or control spontaneous violence within the prisoner of war camps. At Andersonville, the "Raiders" terrorized prisoners and stole food, clothing, and shelter.

The Confederate authorities finally allowed the prisoners to conduct their own tribunal which sentenced six of the "Raiders" to hang for their crimes.¹⁴⁷ Similar problems arose at Belle Isle.¹⁴⁸ In prisons in the north, the cause of most violence was the reduction or withholding of rations. The inability to maintain uncontested control over the prisoners frustrated the prison authorities and often caused inexperienced guards to overreact.¹⁴⁹ The cruelty of the guards and unnecessary uses of force were consistent complaints of prisoners during and after the war.

The only facet of prisoner of war operations that could conceivably be called successful was the reaction to problems. Given the severe political and logistical limitations imposed, the Union Commissary-General of Prisoners responded well to ever-changing problems. The establishment of the prisons, the organization of diverse logistical support, and the maintenance of relatively accurate information on the prisoners despite numerous moves illustrate the ability of Colonel Hoffman. The Confederate authorities were severely hampered by limited resources. However, they responded by using available structures and designing new ones to handle an unexpectedly large number of prisoners. The Confederacy demonstrated the ability to recognize and react to changing situations throughout numerous political overtures and changes in the cartel interpretations. The

weakness of Confederate organization structure, the multiple chains of authority, precluded organization success.

The prisoner of war operations in the Civil War clearly failed. The prisoners were unsatisfied, the prison authorities were ineffective, and the politicians remained suspicious of the exchange agreements. No one questions the valor and courage of the soldiers on either side, but the prisoner of war operations in the Civil War ". . . could only cause each side to hang their head in shame."¹⁵⁰

E. Spanish-American War

1. Wartime Circumstances. The War with Spain originated in the Cuban Insurrection of February 1895. A Cuban demand for independence solidified when the U.S. levied a 40 percent tariff on sugar imports. The damage to Cuba's economy was particularly acute. On February 15, 1898, the battleship Maine blew up and sank in Havana harbor. After more than two months of intense negotiations, the United States declared war on Spain on April 25, 1898.¹⁵¹

The war was the first all overseas war of the U.S. The Navy played the key role in the war. In the Mexican War, although the war was fought outside the U.S., the Army was the main participant.

Although tensions between Spain and the U.S. were increasing and war was a probability, the U.S. Army was not

prepared for a far-flung war in two theaters. The Army was limited to preparations that were defensive in nature.¹⁵² However, the Spanish were even less prepared and had greater obstacles of distance to overcome. The Spanish Army was also tired, over-extended, and worn out from fighting insurgents in Cuba and the Philippines.

The day after declaring war, Congress passed legislation to expand the army. The size of the Regular Army almost doubled, to 64,719 soldiers, but could not be ready for action for several months. The necessity to form units and train volunteers for both the Regular and National Guard units caused the army to create training camps across the United States. The experiences gained in sanitation and camp organization affected prisoner of war camp organization.¹⁵³

2. Current International Law. The Lieber Code of 1863 became the model for efforts to reduce suffering by prisoners of war through the action of international law. The Convention of Geneva, 1864, covered the treatment and rights of wounded soldiers and civilians in war zones. Wounded prisoners of war were treated as wounded soldiers. The responsibility of medical personnel was to treat wounded soldiers without regard to nationality.¹⁵⁴

In 1874, the Brussels Convention used Lieber's Code and Russian suggestions as starting points for discussions on an international agreement. The delegates agreed in

principle to the final product but the Brussels Code remained unratified. Although never put into effect, the Brussels Code had a great influence on the Hague conventions and bilateral treaties.¹⁵⁵

At its meeting at Oxford, England in 1880, the Institute of International Law agreed to a code of laws pertaining to prisoners of war. Although the "laws" had no legal status and were not ratified by treaties, they served as a codification of International Law and formed the basis for more humane treatment of prisoners of war in many conflicts around the world.¹⁵⁶ The discussions on the Oxford code created the expectations of humane treatment by both Spain and the United States in the Spanish-American War.

During the Spanish-American War, two significant events regarding prisoners of war occurred. The first was the use by both Spain and the United States of a neutral country to act as an inspector on prisoner of war conditions. The French acted for Spain and the United States asked England to inspect conditions in Spanish prisoner of war camps.¹⁵⁷

The second significant event was the Hague Conference called in May 1899 by Tsar Nicholas. The Hague Conference resulted in the first ratified agreement codifying the laws of war between nations. The rules on the treatment of prisoners of war were based on the Brussels Code but

included improvements identified during wars in the intervening years.¹⁵⁸ Both Spain and the United States signed and ratified the Hague Conventions of 1899.

3. Strategic Aims of Combatants. Spain wanted to maintain her empire by denying independence to Cuba and maintaining control of the Philippine and Hawaiian Islands. The United States wanted to eliminate Spanish influence in the Western Hemisphere by assisting Cuban independence. The strategic goal, as professed by Alfred Thayer Mahan, was the destruction of the Spanish Fleet. Therefore, the United States Navy must also attack the Spanish Squadron in the Pacific Islands.¹⁵⁹

4. Key Enemy Prisoner of War Issues. The key issue regarding captured Spanish soldiers was their possible employment. For the first time in U.S. prisoner of war operations, a plan for their employment existed prior to the capture of the prisoners. As Major General Miles formulated his plan for subsequent actions after the fall of Santiago, he included the labor from the expected 30,000 prisoners in his available assets for building a road into the interior.

The War Department disapproved General Miles' plan. The War Department was particularly concerned about the spread of disease from the Spanish soldiers to the Americans and planned to expedite an exchange agreement. General Miles concurred in the concern about disease and advised

against evacuating Spanish prisoners to U.S. Army camps or the United States.¹⁶⁰

5. Initial Structure for Prisoner of War Operations. Although not used, the United States Army entered the Spanish-American War with an existent structure for prisoner of war camps. The Civil War organizations could have been formed for use in Cuba and Puerto Rico.

6. Summary of Enemy Prisoner of War Operations. The few prisoners of war captured early in the attacks on Santiago received extremely humane treatment. A few were exchanged locally for American sailors. The initial prisoners of war held in Cuba remained in a camp near the American camp under the control of their own leaders.¹⁶¹

The surrender of Santiago on 17 July, 1898 gave the U.S. the responsibility for the 24,000 Spanish soldiers in the district. The surrender terms included parole and a rapid return to Spain at U.S. expense. Until their return to Spain, the Spanish soldiers remained in an isolated camp to prevent the spread of disease. The peace treaty included similar conditions for Spanish troops in Puerto Rico who surrendered on 13 August, 1898.¹⁶²

In the Philippines, 13,000 prisoners of war fell into American hands when Manila formally surrendered on 14 August, 1898. The treaty called for them to be treated and supplied "as though they were prisoners of war" although

they actually were paroled and under the control of their own officers.¹⁶³

The repatriation from Cuba and Puerto Rico occurred very quickly. By 17 September, 1898, all Spanish prisoners in Cuba and Puerto Rico had departed for Spain except for a few patients in yellow fever wards and a few who elected to remain on the islands. The distances involved and the Philippine insurrections delayed the completion of the repatriation of Spanish prisoners of war from the Philippines until early 1900.¹⁶⁴

7. Determination of Success/Failure. The prisoner of war operations during the Spanish-American War were successful. The short duration of the war precluded political exploitation and reduced the chance of maltreatment. Acclimation of Spanish soldiers to the climate and diseases of the islands kept their rate of disease below that of the Americans located nearby.¹⁶⁵ The use of Spanish officers reduced the possibility of spontaneous conflict within the Spanish camps. The real success, however, lay in the rapid exchange and repatriation efforts.

CHAPTER IV

COALITION EXPERIENCES

A. World War I

1. Wartime Circumstances. When the United States entered World War I on 6 April, 1917, the other combatants had already been at war for three years. Of the nations involved, only Germany and Great Britain retained an aggressive, combative spirit.¹ The United States Army, although willing, was untrained and unprepared for trench warfare on the continent.

The first action of the United States was an appraisal of the needs of the Allies and preparation to meet those needs. The allies immediate requests were for money, supplies, and shipping. Very quickly, however, the Allies shifted their desire to soldiers for the trenches. At America's entry into the war, the army consisted of only 200,000 soldiers with one-third of them National Guardsmen on active duty on the Mexican border. On 28 May, 1917, General Pershing sailed for Europe; a million soldiers would follow by May of 1918 and a million more by the Armistice in November, 1918.²

The American troops operated under American control in spite of numerous European attempts to break up American units for replacements. The coordination problems created

by the several countries' forces trying to operate in synchronization led to the creation of the Allied Supreme War Council in November, 1917. The War Council did not command, but acted as an intelligence clearing house and made strategic recommendations. The ineffectiveness of the War Council in the face of a strong German offensive in March, 1918 forced the Allies to name General Foch as the Supreme Allied Commander (Italy did not recognize his control of its army, but coordinated offensives with his staff).³

The United States late entry into the war, after three years of neutrality, placed civilian and military prisoners immediately in United States' custody. The United States placed in custody German sailors of ships in U.S. ports, sailors who had previously been interred as belligerents in a neutral (U.S.) country, and civilians who did not depart the United States rapidly enough. In fact, only eight days into the war, the United States held approximately 800 war prisoners (prisoners of war and enemy civilian detainees).⁴

2. Current International Law. The ideas contained in the Hague Convention of 1899 had formed the basis of treatment of prisoners of war during the Spanish-American War. In fact, the United States government promulgated orders to abide by its provisions before ratification was complete.⁵ The key feature of the 1899 Hague Convention

concerning the impending World War was the internationalizing of Lieber's concept that the purpose of international law was to prevent the occurrence in war of acts that would prevent the return to peace.⁶

The failure of the 1899 Hague Convention to resolve disarmament issues - poison gas, dum-dum bullets, balloon bombs, and submarine attacks - resulted in a call for a second convention. Meeting in the Hague in 1907, the conference resolved many of the armament issues and modified the 1899 agreement.⁷ The establishment of a Bureau of Information to handle inquiries regarding the status and health of persons believed to be prisoners was a key provision. The 1907 Hague Convention also made recommendations regarding exchange of wounded prisoners, abandonment of medical supplies, and disposition of remains.⁸

The problem with the 1907 Convention was that Serbia and Montenegro ratified the 1899 Convention but not the 1907 version. The 1907 Convention included language that implied that the Convention only applied in conflicts where all belligerents were signatories. The United States officially stated that it was not bound by the Convention in World War I because . . . "all belligerents are not signatory to the convention."⁹

The State Department declared the Hague Convention of 1907 binding only to the extent that it was indicative of international custom and decency. In instructions to his

Provost Marshal General, General Pershing declared that although the Conventions of 1899 and 1907 were not binding, the U.S. Army would follow their principles in the treatment of prisoners of war.¹⁰ General Pershing also cited the 1799 treaty (updating the treaty of 1785) between the United States and the King of Prussia as an agreement in force governing treatment of prisoners of war.¹¹

The nature of coalition warfare forced an evaluation of the proper procedures to transfer prisoners between Allied nations. As the United States entered the war, the American command requested guidance from the State Department. Secretary of State Lansing responded that the United States could transfer prisoners of war to Allied nations, but the United States was still bound by treaty provisions concerning their treatment. Likewise, the United States could receive prisoners of war from Allied nations but the capturing nation remained responsible to the nation of origin for the treatment and care of the prisoners.¹²

During World War I, the belligerents concluded numerous treaties regarding prisoners of war. Although most were not concluded until very late in the war and some were never ratified (the American-German agreement signed November 11, 1918), the ongoing dialogue ameliorated harsh treatment of prisoners and formed the basis for post-war improvements on the Hague Conventions.¹³

3. Strategic Aims of Combatants. The Allied and Central Powers both attempted to break the balance of power in Europe, end the expensive arms build-up, and appropriate and perpetuate colonies through the use of force in World War I. The necessity of joining forces caused the issue of transfer of prisoners between allies to rise. The acceptance of a war of attrition eliminated the possibility of any large-scale prisoner exchanges and forced each power to maintain prisoners of war for an extended period of time.

The United States entered World War I for a number of reasons, but primarily to protect its rights of neutrality and to protest the German resumption of unrestricted submarine warfare. The U.S. aim was to enter the war with its full industrial might, protect the sea lanes, and commit only those land forces necessary to ensure the defeat of the Central Powers.¹⁴

4. Key Enemy Prisoner of War Issues. Four issues dominated enemy prisoner of war operations during World War I: treatment of prisoners of war between non-signatories of the Hague Convention (1907); transfer of prisoners of war between allies; transport of prisoners of war to locations removed from the fighting; and the legality of forcing prisoners of war to perform labor.

The discussion of the treatment of prisoners of war in a conflict where not all members were signatories of the

Hague Convention is outlined above. The United States followed the principles of the Convention while reserving the right to abandon compliance since Serbia and Montenegro were not signatories. The effect on prisoner of war operations was, therefore, slight since the American command expected compliance as a matter of custom and morality.¹⁵

The transfer of prisoners of war between allies posed a more serious problem for the United States and became joined to another issue, the advisability and legality of retaining the prisoners in theater. General Pershing wanted the prisoners to remain under American control in theater. The Chief of Staff recommended shipping all German prisoners of war to the U.S. exclusively under American control. The Secretary of War, with concurrence from President Wilson, decided that prisoners of war taken by American units would remain in theater under American control unless the guard requirement became too large. The State Department objected because of terms of the earlier treaties with the King of Prussia that required movement of prisoners of war to safe areas. On March 5, 1918, General March agreed and notified General Pershing that prisoners of war would be interned in the United States.¹⁶

General Pershing was in the middle between the State Department and the Allied forces. The labor shortage in France was especially acute. General Pershing requested

labor assistance from prisoners of war held by the French. If the United States shipped their prisoners back to the States, General Pershing felt this source of labor would disappear. He therefore requested reconsideration of the policy. The Chief of Staff resolved both issues with one message on June 25, 1918. General Pershing could retain ". . . German prisoners of war in France provided that they are not surrendered to our co-belligerents."¹⁷ The German officers were not included in the discussions but General March approved a request from General Pershing to transport all German officer prisoners of war to the United States for internment. The belligerents signed the armistice before this action could be taken. Throughout the course of this dilemma, however, the American government accepted that transfer of the prisoners to an ally would not relieve the United States of its treaty obligations or ultimate responsibility for the care and maintenance of the prisoners.¹⁸

The last issue of consequence was over the use of prisoners of war to perform labor for the detaining power. All parties to the various conventions previously agreed that prisoners could perform labor but interpretations of permissible tasks varied. The Americans preferred to use the prisoners as semi-skilled or trained laborers but the requirements in theater usually called for unskilled manual labor. In the United States, however, the Secretary of War

could approve contracts for prison laborers - cobblers, tailors, masons, carpenters, etc - as long as the prisoners did not compete with local contractors. In November, 1917, the Secretary of War approved a plan to use large-scale prison labor to maintain public highways. Only the decision to retain prisoners of war in the theater of operations prevented its implementation.¹⁹

5. Initial Structure for Prisoner of War Operations. Following the Spanish-American War, the only planning the United States completed was the incorporation of the Hague Convention provisions in the Field Regulations. However, in 1913 as war in Europe became a real possibility, the Chief of Staff prepared a general order to govern control of prisoners of war. The order was fully staffed within the War Department and with the State Department but not published. The proposed order was also sent to American military attaches throughout Europe to compare with European guidelines.²⁰

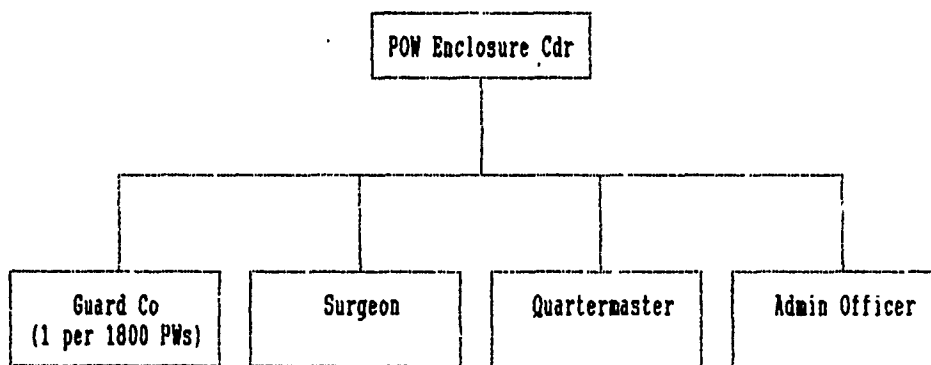
In 1916, the Secretary of the Navy requested that the Army assume responsibility for all prisoners of war. The Army concurred and designated a liaison officer to establish a framework for such transfers. Since the Adjutant General's Department was responsible for disciplinary barracks and record-keeping for the Army, in December 1916 the Chief of Staff gave The Adjutant General the

responsibility for all war prisoner matters. The Adjutant General prepared tentative regulations and orders for use when necessary and published Special Regulation No. 62, "Custody of Prisoners of War, 1917" on 29 March, 1917 - just eight days before the United States entered the war.²¹ For the first time in the history of American prisoner of war operations, a plan existed for the organizational structures of prisoner of war facilities.

The organization consisted of an Enclosure Commander (rank unspecified), one Guard Company for each 1800 prisoners, a Surgeon (staff unspecified), a Quartermaster (rank and staff unspecified), and an Administrative Officer (rank and staff unspecified). The details of the ranks and staffs of the primary officers were intentionally ignored because of the uncertainty of locations and the decentralization desired for the camps.²² Uncertainty over the organization of the deployed army caused The Adjutant General to leave the system structure vacant except to conclude that, for the Army as a whole, the Provost Marshal was responsible for securing and maintaining the prisoners of war and The Adjutant General would account for prisoners of war and maintain the Prisoner Information Bureau. (Figure IV-1)

6. Changes in Prisoner of War Organization During War. In the United States, The Adjutant General designated three sites as prison barracks: Fort Douglas, Utah and Forts Oglethorpe and McPherson, Georgia. Retired

Figure IV-1
POW Enclosure

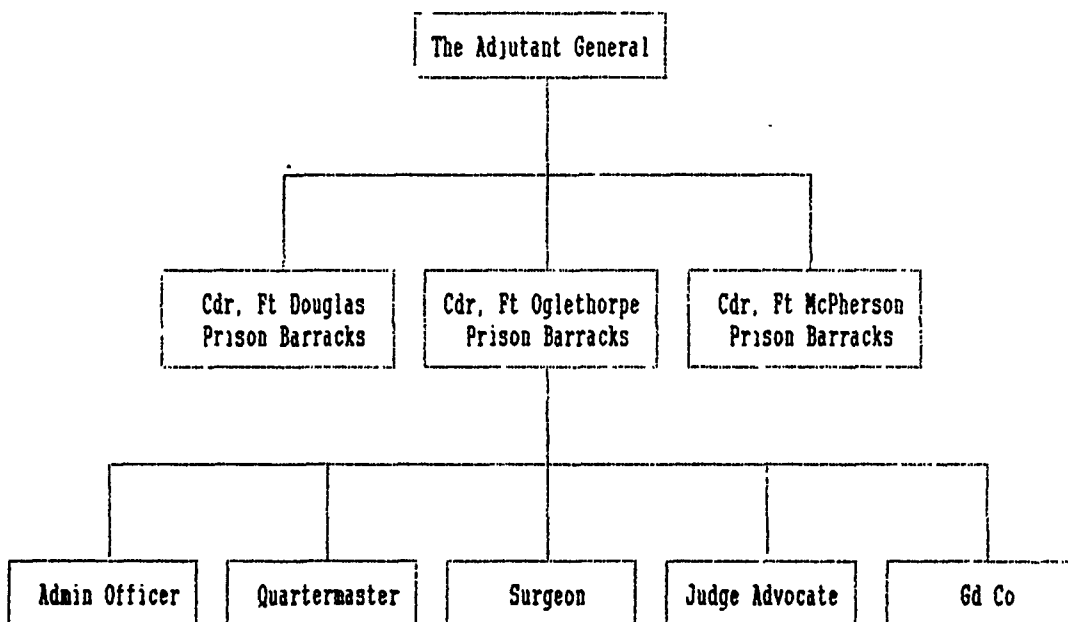


officers recalled to active service commanded each of the prison barracks. Each barracks received a guard company formed around a nucleus of 10 soldiers reassigned from U.S. disciplinary barracks. The staff consisted of an Administrative Officer, a Quartermaster, a Surgeon, and a Judge Advocate.²³ (Figure IV-2)

In the American Expeditionary Force (AEF), the G-1 was responsible for making policy and maintaining enemy prisoners of war. The G-1 gave authority and responsibility for the Prisoner of War Information Bureau to the AEF Adjutant General and the responsibility for prisoner of war maintenance to the AEF Provost Marshal General. Although not authorized a Provost Marshal General at the beginning of the war, General Pershing created the office within his staff to provide centralized control and management of prisoners of war and defense of lines of communications.

Prisoner of War Enclosure Commanders worked for the Provost Marshal General. Each Enclosure Commander had a staff consisting of an Operations Officer, an Adjutant, a Supply Officer, and a Surgeon. In addition, the Enclosure Commander had a varying number of Prisoner Labor Companies and Escort Guard Companies attached one-for-one. Each Prisoner Labor Company had 450 prisoners. The number of Prisoner Labor Companies assigned to a given enclosure

Figure IV-2
CONUS PW ORGANIZATION



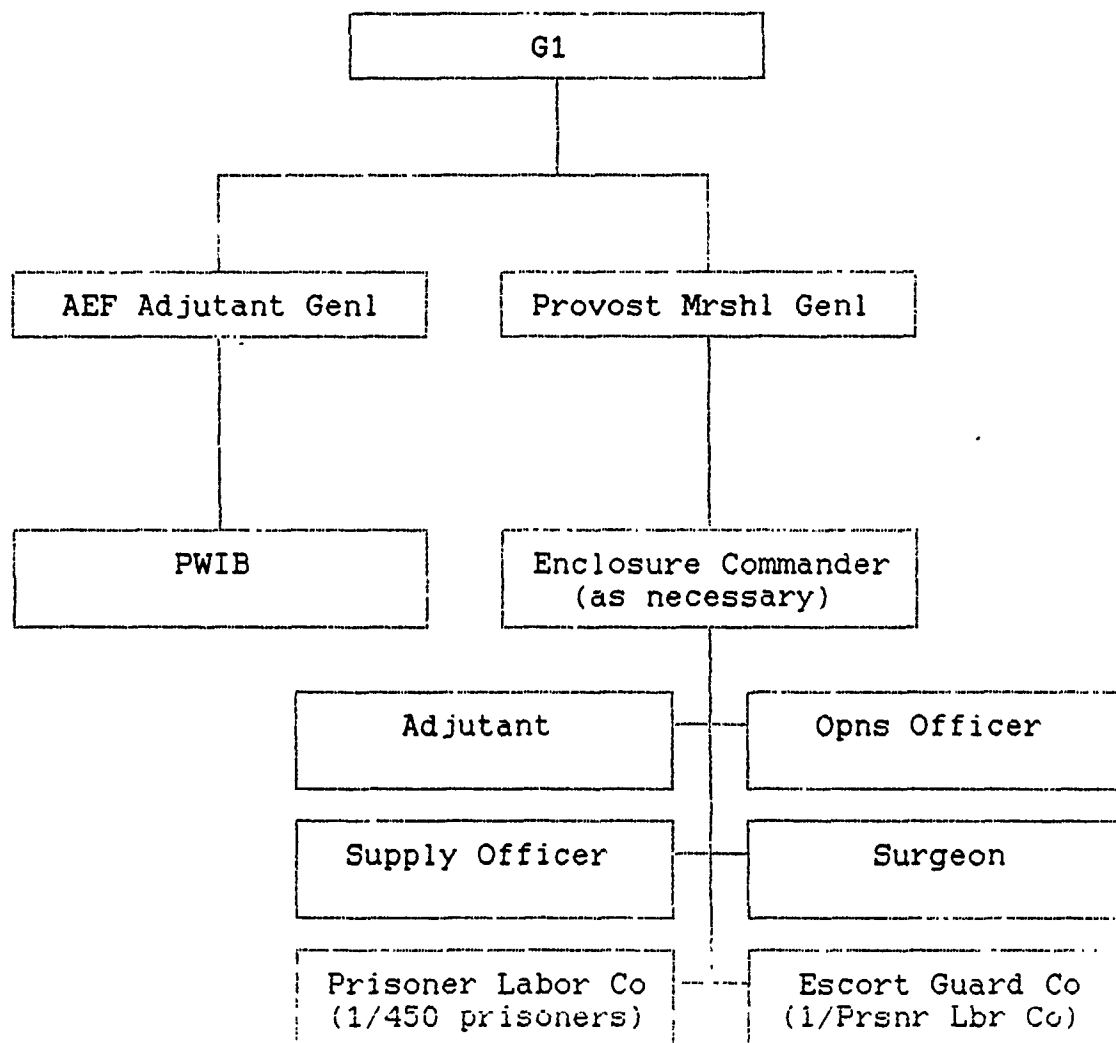
varied based on the missions available, the size of the facility, and the supportability of the location.²⁴ (Figure IV-3)

7. Summary of Enemy Prisoner of War Operations. Prisoner of war operations in the United States during World War I were relatively uneventful. The decision to retain in theater the prisoners captured in Europe kept the number of prisoners interned in the United States very low - 1346. Of these, approximately 800 were interned within eight days of the United States' declaration of war.

The three prisoner of war facilities identified above were the only permanent prison camps but groups of prisoners, usually 100, were sent to many posts to cultivate post gardens. Gradually, the types of work prisoners performed expanded to include camp police, warehousing, cultivation, tentage repair, highway maintenance, construction, and blacksmithing. The Inspector General declared employment of the prisoners a necessary facet of their health and welfare.²⁵

Late entry into the war and the dissension over retention of the prisoners of war in the theater of operations caused the duration of operations to be short. In fact, the first Prisoner Labor Company was not organized until 26 July, 1918. By December 1919, the AEF formed 122 Prisoner Labor Companies. Between 26 July, 1918 and 10

Figure IV-3
AEF PW ORGANIZATION



January, 1920, American prisoner of war camps in Europe held 48,280 enemy prisoners of war.²⁶

The United States provided the prisoners of war the same types of rations, clothing, and quarters provided American soldiers. Enlisted prisoners lived in partitioned barracks. The officers received semi-private quarters. The enlisted prisoners worked nine hours per day, six days each week. Medical and dental care was equivalent to that received by American soldiers. Prisoners were provided writing materials, athletic equipment, and musical instruments.

The first guards assigned to Escort Guard Companies were Class "B" or "C" - that is, unfit for combat duty. The difficulty of supervising the guards forced the Provost Marshal General to replace the guards with Class "A" soldiers as soon as possible. This change reduced prisoner complaints of abuse, provided better security, and virtually eliminated reports of violence within the prison enclosures.²⁷

Within the Prisoner Labor Company, the prisoners worked for their own non-commissioned officers. Approximately 50 of the 450 men in each company were non-commissioned officers. Prior to the armistice, the labor companies specialized as construction, roadbuilding, or general labor companies and worked in rear areas. After the armistice, the labor companies performed duties without restrictions until repatriation.²⁸

Throughout the war, the Adjutant General ran the Prisoner of War Information Bureau to maintain the prisoners' records, reply to inquiries, maintain pay records, and inform next of kin of changes in prisoner status. The administrative oversight provided by this office kept the army commander and the War Department current on prisoner issues. The use of an appropriate staff to monitor the censorship program enabled the prisoners to mail more letters than was possible in previous wars improving morale of the prisoners.²⁹

On November 11, 1918, Germany signed an armistice that ended fighting on the Western Front. The German Army withdrew into Germany but the prisoners of war under Allied control were not released until ratification of the final peace treaty. During the interim, policies relaxed somewhat and the prisoners held in the United States were shipped to France. On 10 January, 1920, Germany completed ratifications and repatriation began.³⁰

8. Determination of Success/Failure. The United States' prisoner of war operations in the First World War were successful. The spirit of the Hague Conventions was maintained throughout the war, even as millions died on the battlefields. The United States' policy of abiding by the conventions even though they might not "legally" be in

force demonstrated the nation's willingness to answer to a higher responsibility.

Of the 48,280 prisoners held by the United States in France, only 93 died in United States custody.³¹ This death rate of .2 percent compares to the AEF disease and non-battle injury death rate of 3.7 percent.³²

During the period of internment, 102 German prisoners escaped; 29 were recaptured. Of these, 73 escaped after the armistice but prior to repatriation. This still represents only a .2 percent rate of escapes. The Provost Marshal General of the AEF credited the extremely low rate of escapes to the quality of the Military Police guard force, the assistance of the German non-commissioned officers, and the high standards of care provided the prisoners.³³

When the Chief of Staff made the decision to intern prisoners of war in Europe, there was some concern that proximity to the front-lines might incite the prisoners to riot, attempt mass escapes, or otherwise pose risks to the combat units. However, the low escape rate, high prisoner morale, and fair treatment prevented danger to the front-line units. The only concern was the continued necessity to guard officer prisoners who were not providing labor to the Allied effort. Recognition of this possible misuse of guard manpower led to a conference in Berne, Switzerland to inform

the German government that the officers were being moved to the United States.

The guard-prisoner ratio varied during the course of the war and its aftermath, but the prisoners never created problems significant enough to greatly increase the guard force. In the Adjutant General's proposed regulations in 1917, the optimum guard-prisoner ratio was predicted to be 1:5. During the war, the overall ratio never was greater than 1:5 and often approached 1:10. Danger from the prisoners remained low.

None of the belligerents made any great political progress by using the prisoners' plight for an advantage. Early in the United States involvement, the Germans attempted to prevent surrender of their soldiers by spreading rumors of the Americans' harsh treatment of those attempting to surrender. Pershing made a point of instructing his commanders to exercise great care in handling prisoners to defeat the effects of this rumor. The Americans also considered shipping the German prisoners of war to the United States for two purposes: to ensure the possession of prisoners to use as hostages if necessary and to protect the ships from German submarine attack. The labor shortage in France prevailed but consideration was given.³⁴

The United States eliminated the problems of spontaneous conflict by handling problems quickly and with the

minimum force necessary to restore order. The German non-commissioned officers maintained order with little outside help from the guards. The maximum punishment for violation of prison regulations was thirty days confinement; less than twenty instances of the maximum punishment were recorded.³⁵

The best measure of organizational success is the satisfaction of the clients. The low escape and incident rates provide significant testimony to the success of the American prisoner of war operations during the war. The organizational structure, leadership, selection of quality guards, and compassionate administration made the operations successful.

B. World War II

1. Wartime Circumstances. When the United States entered World War II, the war was already over two years old, older if dated from Japan's early invasions. The world situation looked bleak for the Allies. France, Holland, Belgium, Poland, the Balkans, Norway, and Denmark had fallen to Germany. Japan's strength in the Pacific was growing as Manchuria, eastern China, and French Indochina fell.

The Axis Powers were strong. Germany committed 2.25 million soldiers to the invasion of the Soviet Union, fielded the Afrika Corps, and had occupation forces in countries across the continent. Japan's army numbered more than 2.4 million soldiers with 3 million partly trained reserves to

back them up. Germany held the European continent; Japan had interior lines in the islands of the western Pacific.

The Allies were stretched thin across the globe. The British Army was still rebuilding after the withdrawal from Dunkirk and supporting forces in Africa, Singapore, India, Hong Kong, and the British Isles. The American Army numbered about half a million fully trained soldiers and one million partially trained soldiers. The Soviet Union was fighting for its existence on its soil. The Allies' navies were superior to the Axis Powers', but the demands of protecting shipping worldwide left them insufficient.³⁶

World War II was a total, world-wide war. It was a fight for the existence of the nations involved. The nature of the opening offensives - Poland, Manchuria, and Pearl Harbor - ensured that there would be no negotiated peace, only surrender.

The geographic implications of the world-wide struggle determined, to a great degree, the evacuation policies for prisoners of war from the combat theaters. The far-flung outposts, small islands, and inhospitable terrain of the battlefields often meant that prisoners would necessarily be transported to rear areas or home countries. The size of the forces involved made prisoner of war operations major exercises that had to be carefully planned.

As islands in the Pacific fell, stories of Japanese atrocities towards prisoners reached Washington. Tales of German atrocities, particularly on their eastern front, reached London.³⁷ The war was total and the Allies' moral fiber was tested as they were tempted to respond in kind.

2. Current International Law. The numerous negotiations between belligerents during World War I indicated the desperate need for refinement of the Hague Convention of 1907. Soon after the close of that war, the Allies demanded that "war criminals" be tried by an international tribunal. Many of the crimes supposedly committed by the 896 alleged criminals were based on acts against prisoners of war in contravention of the Hague Conventions. The resulting trial and the lenient sentences proscribed by the German tribunal pointed out other difficulties in enforcing the existing international laws.³⁸

In 1929, the Swiss government hosted an international conference in Geneva to revise the Hague conventions. The International Red Cross proposed a draft text of an agreement to correct weaknesses of earlier agreements.³⁹ The resulting document, the Geneva Convention of 1929, therefore combines protection of prisoners of war, the wounded, and the civilian populace. Forty-six nations ratified the Geneva Convention prior to World War II.⁴⁰

The Geneva Convention included two significant changes from previous agreements. The first was identification of the official role of the International Red Cross in monitoring and assuring humane and proper treatment of prisoners of war. The roles of the national Red Cross bodies were also defined and legitimized.⁴¹

The second primary change was the application of the Geneva Convention to conflicts where not all belligerents were signatories. Article 82 stated that the Convention would be respected by signatories "under all circumstances" and that belligerents would adhere to the provisions of the Convention even if their enemies did not. Thus, entering World War II, a legally binding treaty existed guaranteeing humane treatment for prisoners of war. Although Russia did not sign the treaty and Japan did not ratify it, the United States considered the Geneva Convention in force throughout the war.⁴²

3. Strategic Aims of Combatants. The Germans intended to seize and dominate Europe and northern Africa to establish the "New Order." Countries standing in her way were ruthlessly attacked and subjugated. Prisoners of war of western armies received relatively decent treatment. On the other hand, the Germans systematically depopulated areas of Poland, the Soviet Union, Czechoslovakia, and

the Balkans and severely mistreated prisoners of war from these areas.⁴³

Japan desired domination of the western Pacific to establish the Greater East Asia Co-Prosperity Sphere. The Japanese rejected surrender as an honorable action, indoctrinated their soldiers to resist surrender and treat surrendering enemies with scorn, and treated prisoners of war without regard to the Geneva Convention.⁴⁴ Evidence mounted very quickly that the Japanese would use the prisoners of war in any way possible to further their aims. Such tactics as placing prisoners of war between runways of airfields, in cities, or in the upper stories of buildings housing military headquarters were not unusual.⁴⁵

The Italians were the weak sisters of the Axis Alliance, but followed their own foreign policy. As a member of the Axis, Italy desired to expand her influence as a fascist state and seize control of lands in the shadow of German strength. The Italians signed and observed the spirit of the Geneva Convention but often could not logistically support prisoner of war operations.⁴⁶

The British desired to protect their territory, to include colonies, and destroy the German and Japanese empires. As a signatory of the Geneva Convention, the British attempted to abide by the spirit and letter of the agreement. Capturing prisoners provided intelligence information

to the British and denied soldiers to the enemy; therefore, the British encouraged surrender on the battlefield and publicized the good treatment prisoners received.

The United States' aims tracked very closely with Great Britain's except the U.S. did not want to reinstate prewar colonial rule. The Americans attempted to undermine the strength of the enemy through indoctrination, publicity, and appeals to surrender. Scrupulous adherence to the Geneva Convention made this effort successful.⁴⁷

4. Key Enemy Prisoner of War Issues. The Geneva Convention of 1929 resolved most of the issues regarding identification of persons subject to protection under the Convention. However, under the rules of that agreement, the United States faced three serious issues that affected prisoner of war operations during World War II.

The first issue involved the status of the civilians interned at the beginning of the war. Immediately upon declaring war, the United States processed over 4200 civilian internees. The Provost Marshal General assumed responsibility for them.⁴⁸ The 1929 Geneva Convention did not prescribe prisoner of war status for the civilians but the United States treated them as such. The rationale was that prisoner of war status provided more rights and guaranteed humane treatment. In August, 1942, Great Britain requested permission to transfer up to 150,000 prisoners to the continental United States (CONUS). The influx of prisoners from

Britain and the transfer to CONUS of prisoners from American operations in North Africa caused the transfer of the civilian internees to the control of the Department of Justice in the spring of 1943.⁴⁹ This ended the legal problems of granting prisoner of war status to civilians until the end of the war. When Germany, and later Japan, surrendered, the Allies granted prisoner of war status for purposes of treatment to civilian leaders in preparation for war crimes trials. The civilian internees were then kept with military prisoners of war until the trials were scheduled. Citing the pre-1943 arrangements, the Provost Marshal General again assumed responsibility for the civilian prisoners of war.⁵⁰

The second issue regarding prisoners of war was the United States' decision to transport prisoners to CONUS rather than holding them in the theaters of operation. In spite of objections from The Judge Advocate General, in early 1942 the War Department directed that all prisoners of war in the custody of the United States be transferred to CONUS. The overriding argument in the decision was to relieve overseas forces of the problems of guarding, feeding, and housing the prisoners of war. Sensitive to The Judge Advocate General's position that such a move might cause the enemy to retaliate by placing American prisoners of war in unhealthy locations in retaliation, the State Department notified the German, Japanese, and Italian

governments of the plan using the Swiss government as an intermediary. Although Germany and Japan protested mildly, no retaliations occurred.⁵¹

The decision to transport the prisoners of war to CONUS focussed the greater issue of responsibility for prisoners of war. Allies subject to the Geneva Convention could transfer prisoners to each other but the ultimate responsibility for the care of the prisoners remained with the country making the capture. The division of prisoners captured during a combined operation proved difficult.

In 1943 in North Africa, the United States operated from west to east in concert with the British from east to west with the Germans and Italians in between. The initial policy was that the British took responsibility for prisoners evacuated eastward and the United States took responsibility for those being evacuated westward. In practice, almost all prisoners were initially evacuated westward, but under British control.

On 12 August 1943, the War Department issued a new directive to clarify the situation. The country operating the first place of detention where documentation was performed would notify the International Committee of the Red Cross of the prisoner's status. The United States and Britain each then assumed responsibility for one-half of the prisoners. If British or United States forces operated independently, those forces assumed sole responsibility.⁵²

Similar problems arose in all theaters where the Allies conducted combined operations. In the Middle East, the United States did not have an agreement with Egypt to bring prisoners of war into the country, so all prisoners reverted to British responsibility. In the China-Burma-India Theater, the United States turned over the few prisoners captured to either the British (in Burma and India) or the Chinese (in China) and passed responsibility to the detaining powers. In the southwest Pacific, the United States transferred the prisoners of war, and responsibility for them, to Australia but paid for their care and reserved the right to make the final determination on the disposition of the enemy prisoners of war. When operations on the European continent began, the determination of responsibility for the prisoners of war was made at the location where the permanent prisoner internment number was assigned.⁵³

The third issue of importance was the determination of the status of Italian Service Units after the Italian surrender and subsequent declaration of war on Germany. After Italy received co-belligerent status, the prisoners of war could form labor units to directly assist the Allied war effort. The Provost Marshal General, on direction from the Secretary of War, created an organization structure using the Civilian Conservation Corps as a model. When General Eisenhower (as Commander in Chief, Allied Forces, North

Africa) reviewed the plan, he objected strenuously. He based his objection on the American and British commitment to employing the Italians as prisoners of war in North Africa. To keep the policy uniform, the Italian Service Units retained prisoner of war status but were used only in the United States and North Africa.⁵⁴

The Allies lifted the restriction to location of use when a labor shortage in Great Britain threatened preparations for the invasion of France. A labor dispute over wage rates resulted in the withdrawal of the Italian Service Units from Great Britain after only a short time.⁵⁵

The Provost Marshal General formed 195 Italian Service Units consisting of 34,660 officers and men. The units reported to the Provost Marshal General for accountability and security but each using service or installation had operational control over the units' mission. As prisoners of war, the Italians were subject to the protection of the Geneva Convention but, with their unique status as prisoners of war from an allied belligerent, were also subject to the U.S. Army Articles of War.⁵⁶

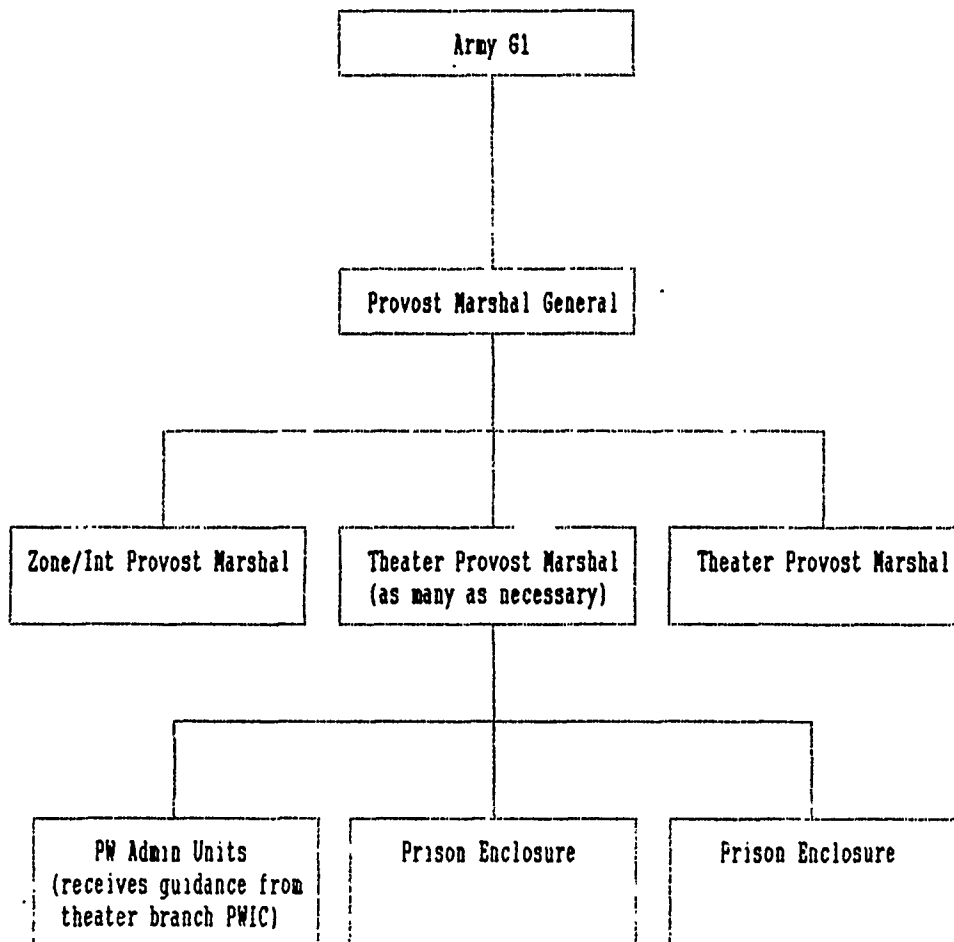
5. Initial Structure for Prisoner of War Operations. The dissolution of the Military Police Corps in 1923 hampered planning for prisoner of war operations between the two world wars. In 1926, the Acting Provost Marshal General revised the basic Military Police Field Manual. The Chief of Infantry prevented its publication,

however, because it was inappropriate to publish regulations and guidance for a corps that didn't exist. In 1937, the War Department did publish a Military Police Field Manual which updated World War I guidance with changes incorporated from the Geneva Convention of 1929.⁵⁷

The new organization (Figure IV-4) established responsibilities similar to those in effect at the end of 1918. The Provost Marshal General, when appointed, was the responsible individual at the War Department. Each theater also had a Provost Marshal General to supervise and control all military police units not in tactical units. The theater Provost Marshal General was also responsible for all prison enclosures and the care, reception, disposition, and security of prisoners of war. The prison camp organization remained unchanged from the 1918 organization.

Shortly before the United States entered the war, three significant events altered this structure. In 1940, the war plans called for a provost marshal on commanders' special staffs to provide advice to the commander on military police matters and prisoner of war operations. Therefore, at theater-level and below, the provost marshal did not exercise direct command authority.⁵⁸ During the summer of 1941, the Military Police Corps and the Provost Marshal General were reactivated primarily to control enemy aliens. These organizations provided a structure to train at least

Figure IV-4
1937 PW ORGANIZATION

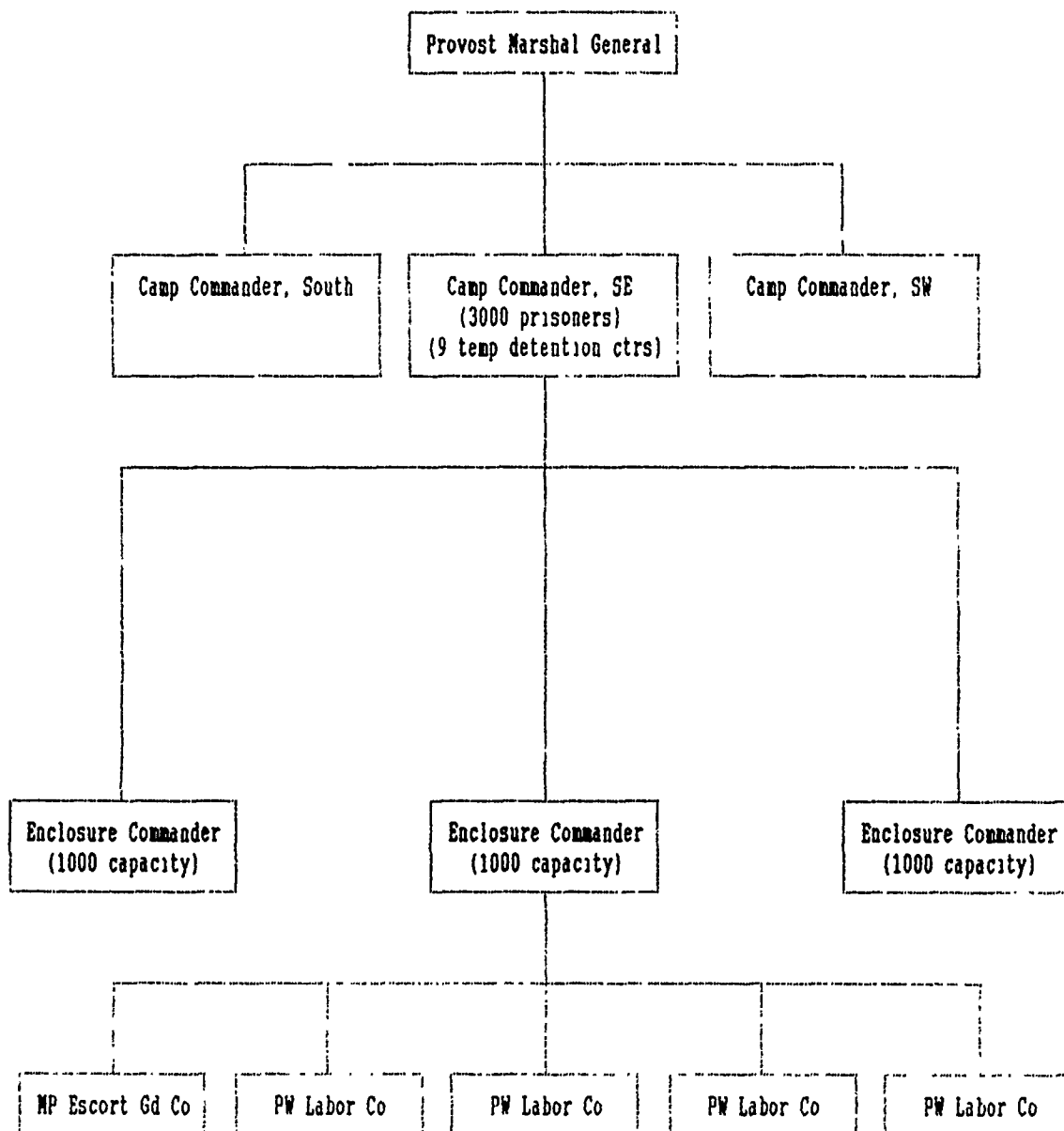


some personnel and centralized authority higher than corps level before the war began. The third event was the July 1941 agreement between the War Department and the Department of Justice giving the War Department, and the Provost Marshal General, responsibility for the internment of enemy aliens.

The resulting structure called for three permanent internment camps (southeast, middle south, and southwest) to accommodate 3000 prisoners each and nine corps area temporary detention facilities. Each permanent internment camp would have three 1000-prisoner enclosures with one military police escort guard company and four prisoner of war labor companies. (Figure IV-5) Lack of funds prevented the construction of the permanent camps so the United States entered the war with an organizational structure in place without facilities.⁵⁹

6. Changes in Prisoner of War Organization During War. On 9 March 1942 the Army reorganized. The reorganization created the War Department General Staff to assist the Chief of Staff in directing field operations of the army. The reorganization also created three commands in the Zone of the Interior - the Army Ground Forces, Army Air Forces, and Services of Supply (SOS). All technical and administrative services (to include the Provost Marshal General), supply arms, Engineers, and the Signal Corps were assigned to SOS.⁶⁰

Figure IV-5
1941 INTERNMENT CAMP STRUCTURE



Although the regulation did not change, the responsibility for prisoner of war planning and execution moved to SOS. From 9 March 1942 to April 1943, the Provost Marshal General remained outside the War Department General Staff, under the Chief of Administrative Services, SOS. Since the Provost Marshal General also had responsibility for holding interned aliens and prisoner of war labor units, the Civilian Personnel Division of SOS also had control over the Provost Marshal General's office. Prisoner of war operations in CONUS thus were buried as a subordinated "operating division" subject to "various levels of coordination, staff supervision, and command" within SOS.⁶¹ (Figure IV-6)

In April 1943, the G-1 resumed staff supervision of prisoner of war operations on the War Department General Staff and the Provost Marshal General's office moved to the primary staff of Army Service Forces (formerly SOS). The Provost Marshal General assumed full administrative supervision over enemy prisoner of war operations and prepared plans directly for the G-1.⁶² (Figure IV-7)

In the theaters of operation, the theater provost marshal was part of the theater G-1. The prisoner of war enclosures were part of the Services of Supply, or Communications Zone. The provost marshal had planning oversight and special supervision over the enclosures.⁶³ He established three types of enclosures: central enclosures,

Figure IV-6
SOS EPW ORGANIZATION

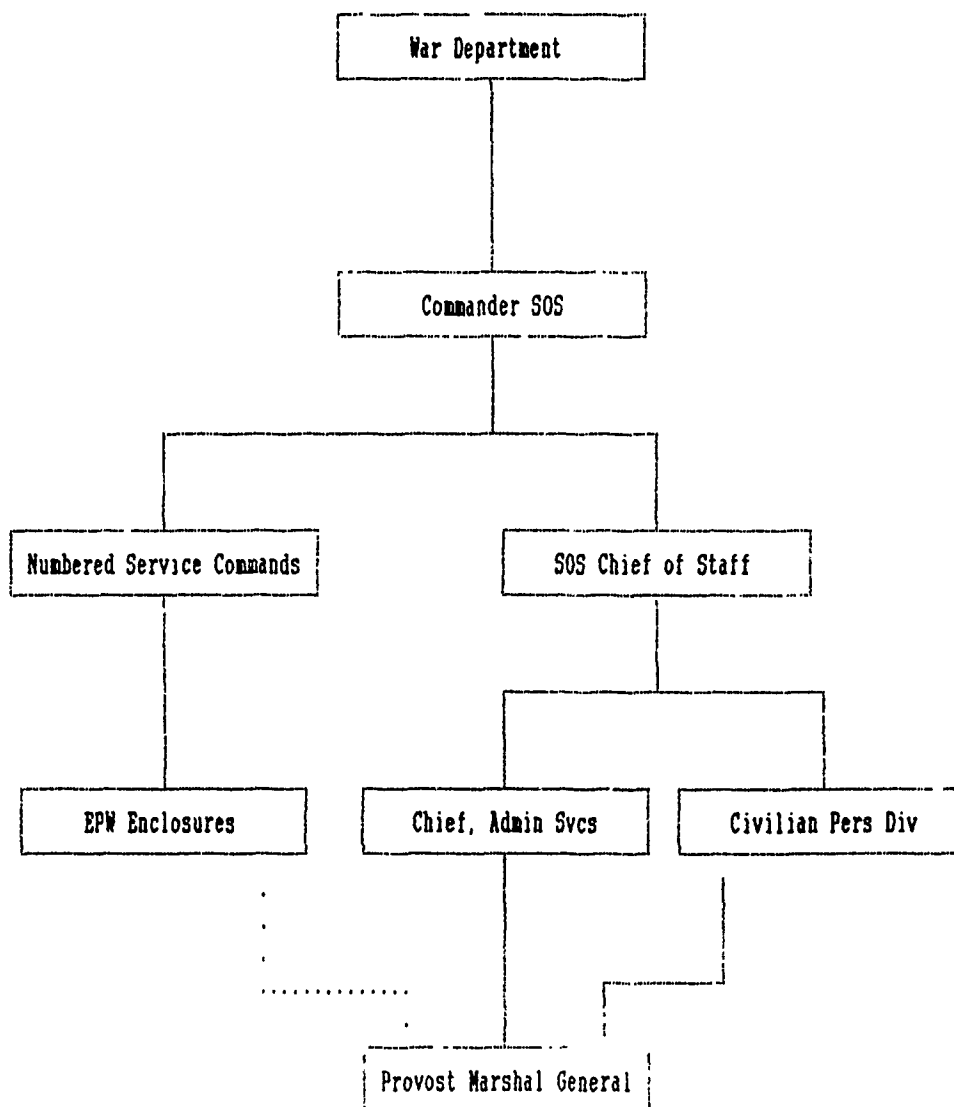
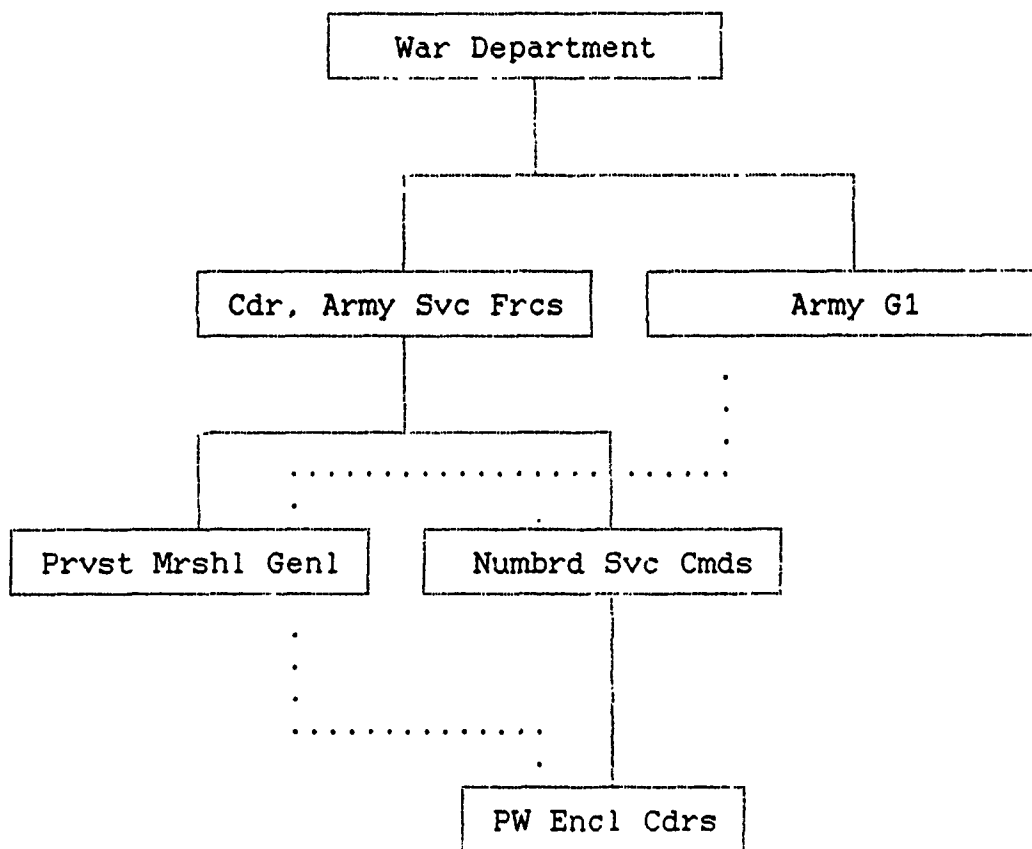


Figure IV-7
ASF EPW ORGANIZATION

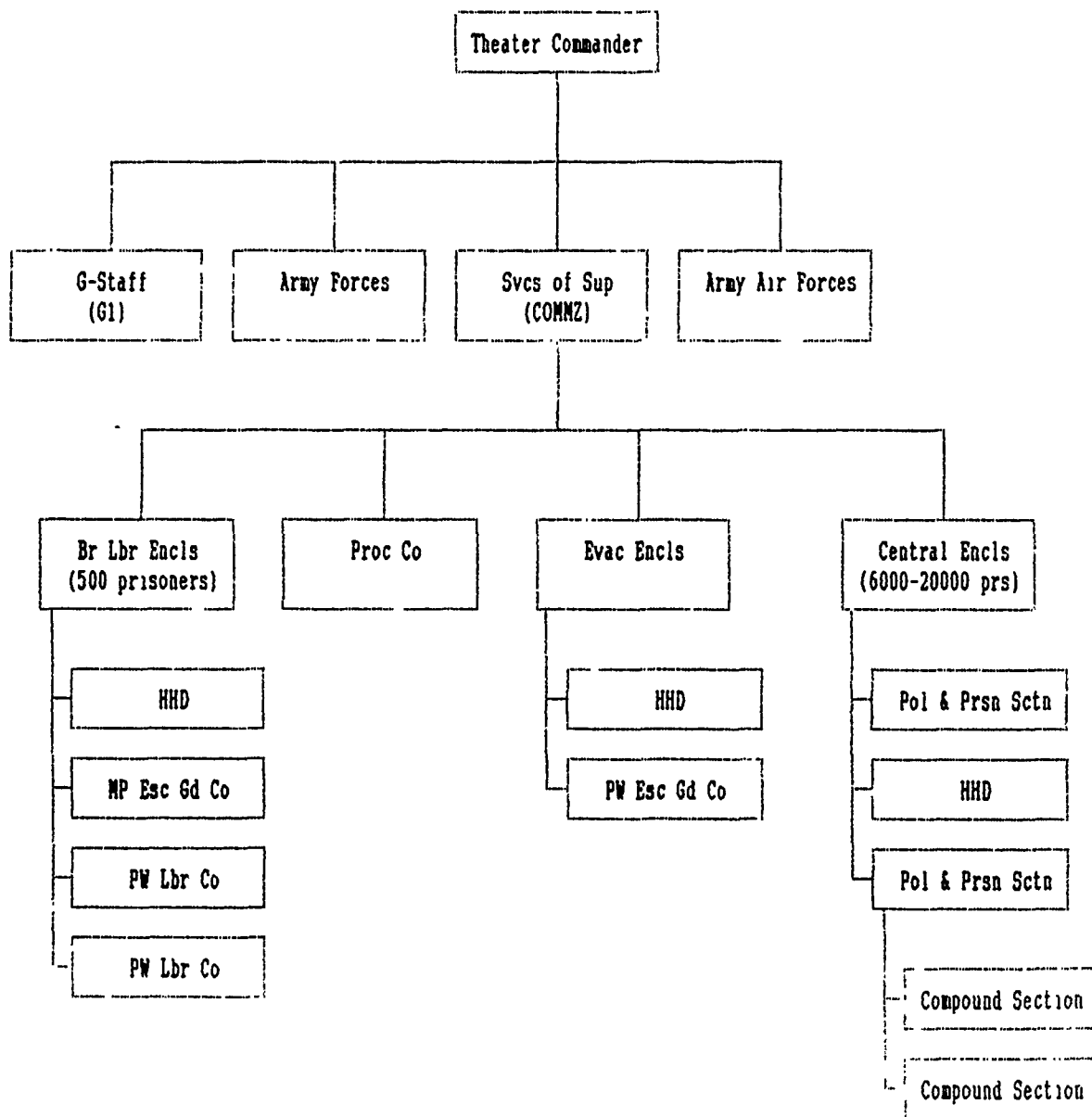


branch labor enclosures (500 prisoners), and evacuation enclosures. The central enclosures had a capacity of 6,000 to 20,000 prisoners. The central enclosure consisted of a Headquarters and Headquarters Detachment, Police and Prison Sections as necessary, and Compound Sections as necessary. Branch labor enclosures normally consisted of two Prisoner Labor Companies, one MP Escort Company, and a Headquarters and Headquarters Detachment. The evacuation enclosures usually consisted of a Headquarters and Headquarters Detachment and an MP Escort Guard Company. Early in the war, Prisoner of War Processing Companies operated on an area basis and supported all prisoner of war enclosures in the area. Later, each central enclosure and branch labor enclosure was assigned its own processing company.⁶⁴ (Figure IV-8)

7. Summary of Enemy Prisoner of War Operations. Distance, numbers, and diversity characterized prisoner of war operations in World War II. Each theater of operations organized its enemy prisoner of war efforts differently to take advantage of local conditions. The common thread throughout all operations, however, was the effort made to abide by the Geneva Convention's provisions to eliminate any reason for enemy retaliation against Americans held prisoner.

a. CONUS. During the summer of 1941, the American Navy and Coast Guard seized ships accused of

Figure IV-8
THEATER EPW ORGANIZATION



violating American neutrality. The crews were interned in the United States as civilian internees, with rights similar to those afforded prisoners of war. The Provost Marshal General assumed responsibility for their treatment and maintenance until the spring of 1943 when the Department of Justice assumed responsibility.

The inter-related problems of civilian internees, prisoners of war, exchanges of sick and wounded prisoners, and liaison with neutral powers caused the formation of the Interdepartmental Board on Prisoners of War. This board reviewed matters of U.S. policy regarding prisoners of war. Representatives from the Departments of State, Justice, the Navy, and War attended.⁶⁵

At the beginning of the prisoner of war operations, the United States used military housing and tentage similar to that used by U.S. forces in training camps. They tended to isolate camps, over-guard the prisoners, and ignore the labor potential of the prisoners. The original guard-prisoner ratio was 1:7.5; a ratio that in the United States proved to be more than adequate. The number of prisoners interned in overseas theaters grew so rapidly that MP Escort Companies deployed ahead of schedule leaving prisoner of war camps in the United States without MP guards. Overseas commands were so short of MP personnel that the guards on ships transporting the prisoners to the United States came from the ships' normal manifest. Officers on casual

status or returning for duty in the War Department and Non-commissioned officers returning for Officer Candidate School made up the largest categories of interim guards. After D-Day, MP guards accompanied the prisoners and eliminated the problems caused by the inexperience of the temporary guards.⁶⁶

During the war, the Army Service Forces established 155 base camps and 511 branch camps in CONUS. With the exception of North Dakota, Nevada, and Vermont, all states had at least one prisoner of war camp. The Army Service Forces commanding general dispersed the camps to locate the prisoners closer to agricultural, forestry, and construction labor opportunities. The dispersion created a sense of security for the Americans and resulted in the adoption of a "calculated risk" program to allow some prisoners to work with reduced guard requirements. Often the prisoners worked with only a civilian foreman or supervisor in charge.⁶⁷

To reduce political problems within prisoner of war camps, the Provost Marshal General directed the establishment of separate prison camps for six categories of prisoners:

German Army anti-Nazi prisoners

Remaining German prisoners

German Navy anti-Nazi prisoners

Remaining German Navy prisoners

Italian prisoners

Japanese prisoners⁶⁸

This policy was successful and supported the United States' efforts to identify and isolate Nazi fanatics and protect anti-Nazi prisoners.

Medical support for prisoners of war reflected the same levels and amounts of care provided to CONUS training camps. Each prisoner of war base camp had a hospital and each compound or branch camp had a dispensary. If located on a military installation, the prisoners used the installation hospital. The prison staff provided extra security for hospitals used by American soldiers and enemy prisoners of war.⁶⁹

Learning from World War I experiences, the United States declared the prisoners subject to the Articles of War. Each prisoner accused of crimes leading to a Special or General Court Martial received an American Defense Counsel. The Protecting Power, usually Switzerland, also received a list of qualified officers who might defend the accused. The Protecting Power chose a different counsel or let the appointed counsel defend the accused. The Protecting Power was encouraged to send a representative to witness the trial. Although the United States had the authority under the Geneva Convention to bar the Protecting Power from some trials, it never exercised the option. The United States furnished competent interpreters for trials. The few

court appearances by the Protecting Powers indicates the satisfaction they felt in the Military Justice System.⁷⁰

By July 1944, the United States held over 200,000 prisoners of war in CONUS (including 50,000 in Italian Service Units). The number interned in CONUS remained over 200,000 until March 1946. The labor available from the prisoners was a significant asset during the years of labor shortage. The number of mandays of work performed in CONUS by prisoners of war totaled 89,469,739. Of these, 12,255,823 mandays went to agricultural labor and 9,270,184 mandays were industrial labor. The value of the labor was estimated at over \$228,000,000.⁷¹

The use of enemy prisoner of war labor caused discontent among organized labor groups in the United States. The Provost Marshal General and the War Manpower Commission attempted to dissuade labor unions from objecting to applications of prisoner labor. Before giving prisoners projects, the installation tried to hire local workers. The Provost Marshal General conducted an education campaign for labor unions to explain the system. Public sentiment ran so high that in the spring of 1945 Congressman Randolph of West Virginia introduced a bill to prohibit federal agencies from using prisoner of war labor. In April 1945, representatives of the Provost Marshal General's office and the American Federation of Labor Building Trades met to discuss work on

Army Service Forces installations. Circular Number 42 (ASF) resulted from the meeting and declared that prisoner of war labor would not be used if civilian labor was available. Distribution of the Circular reduced complaints until the final repatriation of the prisoners.⁷²

The end of organized resistance in Europe occurred on 8 May, 1945. At that time 95% of employable prisoners of war, under terms of the Geneva Convention, were employed for private contractors or by the various military installations. By the end of May, the War Department announced the policy of returning all German and Italian prisoners of war to Europe as quickly as possible and stopped shipping prisoners from Europe to the United States. The War Department's policy based repatriation on four factors: (1) Italian Service Units would go first as a reward, (2) availability of civilian workers to replace prisoner labor, (3) reduction of industrial output anticipated with Japan's capitulation, and (4) availability of shipping to return prisoners to Europe.

The War Manpower Commission, War Foods Administration, Agricultural Extension Service, and the Provost Marshal General's office signed an agreement to allocate available labor over the next year. The Provost Marshal General urged the War Department to take the lead in demanding rehiring of returning servicemen and returning the prisoners of war to Europe quickly. The War Department conducted

monthly labor surveys and determined in August 1945 that enough labor would be available in early 1946 to allow repatriation of all German and Italian prisoners of war. The prisoners returned to Europe in large numbers beginning in November 1945. In spite of Congressional pressure, President Truman refused to extend the repatriation schedule past the end of June 1946.⁷³ By 30 June, 1946 all German, Italian, and Japanese prisoners of war had been returned to their countries except for 141 Germans, 20 Italians, and 1 Japanese serving sentences in U.S. penitentiaries.⁷⁴

b. Mediterranean Theater. The United States entered the Mediterranean Theater on 8 November, 1942 with landings in North Africa. French forces surrendered by 11 November and received paroles. On 9 November, the German and Italian units entered the conflict against the United States' forces. Supply bases, called Base Sections, including prisoner of war enclosures were at Oran, Casablanca, and Constantine. Initially, each Base Section operated independently and reported to Headquarters, North African Theater of Operations, U.S. Army (NATOUSA). In December 1942 the Allies established a combined headquarters in North Africa - Allied Forces Headquarters, North Africa (AFHQ). AFHQ had responsibility for joint prisoner of war issues and, since the AFHQ included an American Provost Marshal section, supervised all American provost marshal functions.

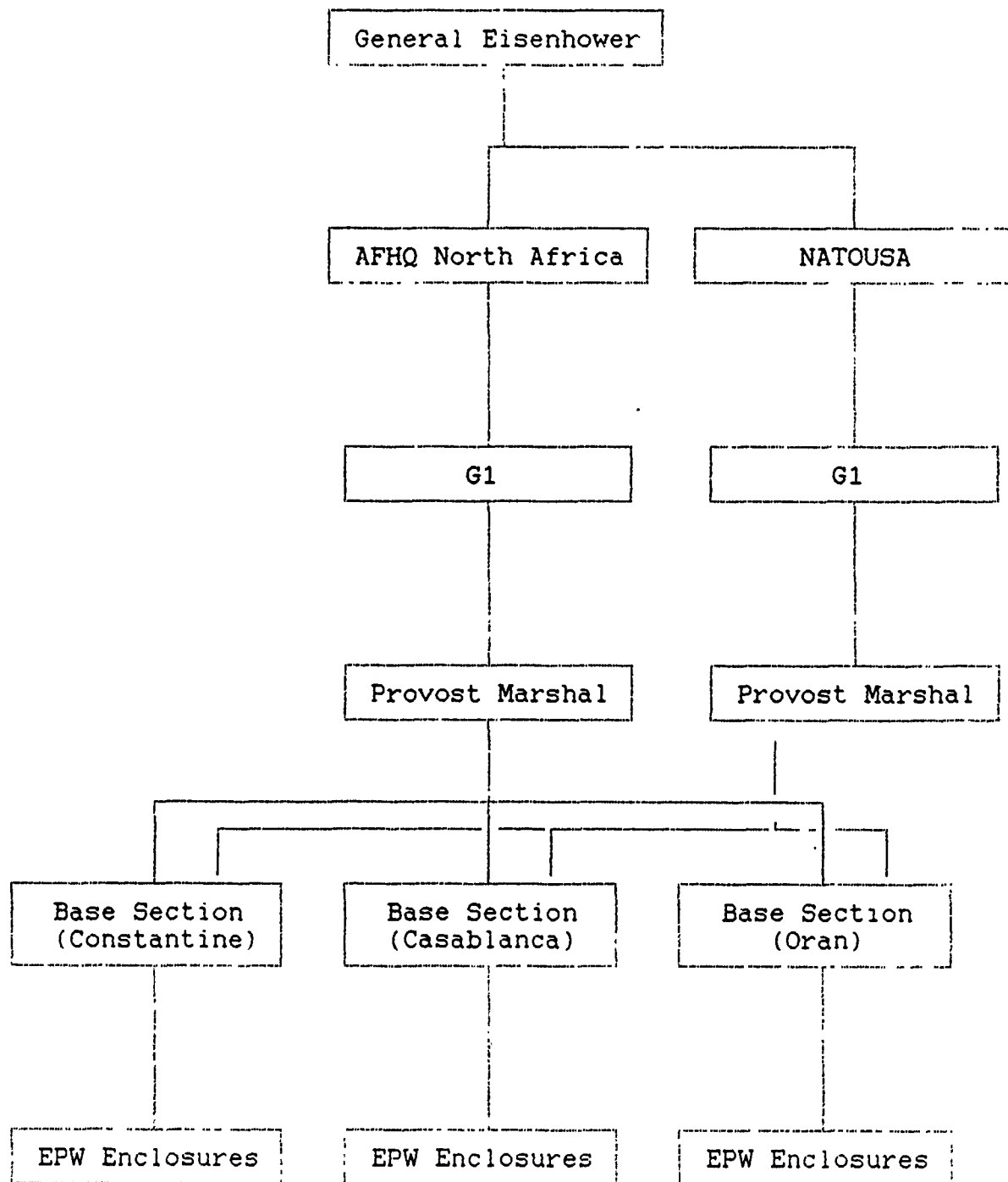
Thus, the U.S. Army had dual channels for prisoner of war issues that caused confusion and delays.⁷⁵ (Figure IV-9)

The operations plans for the North Africa invasion called for the immediate evacuation of enemy prisoners of war. However, a shortage of labor delayed the unloading of ships supporting the ground forces, the ships General Eisenhower intended to use to transport the prisoners to the United States. As the number of prisoners increased and the labor shortage worsened, the Base Section commanders used prisoner of war labor to unload equipment from ships. Many Italian prisoners volunteered for this work to keep busy.

The Base Section commanders divided the prisoners of war into three categories: German prisoners of war, secure (good risk) Italian prisoners of war, and insecure (poor risk) Italian prisoners of war. The Base Section commanders retained the secure Italian prisoners in theater as laborers and shipped the German and insecure Italian prisoners of war to CONUS. The U.S. transferred approximately 20,000 prisoners of war as laborers to the French as cooperating allies under the Geneva Convention.⁷⁶ The Base Section commanders did not initially ship German and Italian medical personnel to the United States, but retained these protected personnel in the prison enclosures to provide medical support to their own countrymen.⁷⁷

The Base Section commanders organized "Italian Sections" for secure Italian prisoners of war. The Italian

Figure IV-9
MEDITERRANEAN EPW ORGANIZATION



Sections maintained statistical information on the prisoners, organized units to perform labor, maintained supply records, handled prisoner of war pay issues, worked with Special Services on morale programs, and assisted the Americans with security control. The Italians used their own non-commissioned officers to supervise meals, military justice concerns, and security.⁷⁸

After the German and Italian surrenders in North Africa, the United States had 252,415 Axis prisoners of war in custody. NATOUSA and AFHQ directed the screening of prisoners of war into secure and insecure categories to get secure prisoners at work quickly, thus relieving the burden somewhat on the Base Section commander. As the risk of escape and sabotage declined, the number of guards required also declined.⁷⁹

During operations on Sicily, the United States captured, or assumed responsibility for, 61,658 prisoners of war. With authority of the Combined Chiefs of Staff, local commanders paroled all "secure" prisoners, less officers of the line. After a short time, Italian officers of Sicilian origin also received paroles to assist in controlling and supervising the paroled soldiers to improve Sicilian agriculture. The United States then transported German prisoners, "insecure" Italians (Fascists), and the remaining Italian officers to the United States for internment.

The surrender of Italy in September 1943 precipitated the formation of the Italian Service Units (see above). The Italian Service Units labored in the United States, Italy, Sicily, and for a short time in Great Britain. On 1 July, 1945, all Italian Service Unit personnel were released from U.S. control.⁸⁰

In November 1944, Mediterranean Theater of Operations, U.S. Army (MTOUSA) activated and began preparations for the surrender of the German forces in Italy. As the Fifth Army captured prisoners of war, it grouped them by category and shipped them to the United States. When the German Army surrendered on 2 May 1945, Fifth (US) Army accepted responsibility for over 300,000 prisoners of war, who were disarmed, re-formed into units, and established as German Service Units on the Italian model. To control the German Service Units, MTOUSA created the MTOUSA PW Command to screen, classify, administer, and guard the service units. The 88th (US) Division became the MTOUSA PW Command until 24 September 1945 when the MTOUSA PW Command disbanded and the using unit assumed command of the German Service Units.⁸¹

As with enemy prisoner of war operations in CONUS, the story of prisoners of war in the Mediterranean Theater was not one of guards, escapes, maltreatment, and retaliation. Rather, it was a story of the flexible application of policies designed to equitably treat prisoners of war under

the spirit of the Geneva Convention. It also was a story of the organization of a large labor resource overlooked by the United States in previous conflicts.

c. Africa-Middle East Theater. Although the United States did not conduct large-scale combat operations in the Africa-Middle East Theater, the U.S. Army made arrangements with the British Forces in the Middle East to accept responsibility for any prisoners of war captured by U.S. forces.

The Americans and British also made arrangements to bring into Egypt 250 Italian prisoners of war under British control but for use as laborers by the U.S. This arrangement was necessary because the U.S. did not have a treaty with Egypt allowing the importation of prisoners of war into Egypt.⁸²

Late in the war, the Mediterranean Base Section merged with the Middle East Theater to become the Africa-Middle East Theater. The North African Service Command, assuming control of prisoner of war issues for the theater, maintained in place the policies of the Mediterranean Base Section and the Anglo-American prisoner labor arrangements in Egypt. On 1 July 1945, all Italian Service Unit prisoners were released to the control of the Italian government.⁸³

d. European Theater. Plans for prisoner of war operations in the European Theater began in April 1943 when

the Combined Chiefs of Staff created a combined British-American organization, COSSAC, to prepare plans for the invasion. The basic plan was to evacuate prisoners of war in the "early days" and later retain prisoners of war on the continent for labor. This concept became the basic plan in OVERLORD.

In January 1944, the Combined Chiefs of Staff created the Supreme Headquarters, Allied Expeditionary Forces (SHAEF) to conduct the landings and war in Europe. SHAEF retained the responsibility and authority to coordinate prisoner of war policy coordination. The Provost Marshal, Forward Echelon, Communications Zone maintained control of enemy prisoner of war policy and operations for the U.S. Army under SHAEF.

OVERLORD plans directed that from D-Day to D+30, prisoners be shipped to Great Britain and from D+31 to D+90, prisoners be evacuated to Great Britain or the U.S. (although "some" might be retained in theater for labor). After 90 days, SHAEF would follow the U.S. policy of evacuation to CONUS as quickly as possible.⁸⁴ SHAEF made no plans to maintain prisoners of war on the continent for extended periods. Because of the evacuation plan, there was no consideration of the extremely large amount of supplies and materiel required to sustain and maintain prisoners of war as a labor force.⁸⁵

The 302d MP Escort Guard Company landed at Normandy on D-Day, set up an enemy prisoner of war enclosure, and evacuated prisoners under fire. They made no attempt to retain the prisoners for labor but secured the prisoners in as safe a location as possible, prevented escapes, and protected the landing force from prisoner sabotage.⁸⁶

Immediately after D-Day, the destruction of the ports (to include one of the temporary ports damaged in a storm) reduced the ability of SHAEF to sustain the combat forces. Needing labor to clean up the ports and return them to operation, SHAEF directed the retention of some prisoners of war on the continent as a source of labor. The first prediction was that three 1000-man labor camps would suffice.⁸⁷

Although the OVERLORD planners identified the process for determining responsibility for prisoners of war - the country whose force issued the permanent prisoner of war identification number assumed responsibility⁸⁸ - the planners grossly underestimated the numbers of prisoners taken. It was "almost as if the success of the operation was not anticipated."⁸⁹ The improper forecasting created serious shortages of food and supplies for the prisoners of war and for the Allied combat units. The predetermined shipping manifests made altering loads almost impossible, exacerbated

the ration situation, and impaired the ability of the Allies to build up combat strength.⁹⁰

The speed at which the Allied forces advanced and the unexpected rate of surrender by the German forces overflowed the prisoner of war enclosures set up by the COM Z Provost Marshal. After D+60, the MP Escort Guard Companies pushed forward into the Army areas to evacuate prisoners of war and relieve the Armies of the burden. By processing the prisoners of war in the forward locations, prisoners were evacuated directly out of theater bypassing the COM Z yet under the COM Z Provost Marshal's control.⁹¹

Divisions evacuated prisoners of war quickly to reduce the threat to their operations. Generally, prisoners remained in the division area less than 24 hours, but some performed general labor for up to twelve hours. Prisoners who spoke German and English often remained in American division areas for up to a month to assist in hospitals and act as translators for medical personnel.⁹²

The only significant prisoner of war problem in the European Theater other than the underestimation of numbers was the quality of the military police personnel. Theater solved a shortage of MP Escort Guard Companies by assigning general military police personnel to temporary units. These ad hoc units received prisoner of war escort or guard missions without adequate training. The quality of soldiers,

often coming from the replacement system as not fit for combat, was low. The biggest problem, however, was the response to prisoners. Untrained guards showed a lack of respect for the prisoners as soldiers or forgot that the enemy prisoners of war were enemies. Fraternization and socialization created apparent favoritism and reduced the effectiveness of the MP companies.⁹³ Stretched thin, the average guard-prisoner ratio was about 1:100 in theater against War Department guidance of 1:10.⁹⁴

During the course of the war, the United States attempted to repatriate sick and wounded prisoners of war and protected personnel under the language of the Geneva Convention. The effort was successful only with Germany, and only for a limited time. The U.S. repatriated 2181 prisoners of war and 102 protected personnel. The Germans repatriated 809 U.S. prisoners of war and 77 protected personnel.⁹⁵

On 8 May 1945, Germany surrendered. During the course of operations in Europe, the American forces took responsibility for 371,505 prisoners of war sent to the U.S. and 537,406 held in Europe. On V-E Day, over 7,000,000 German personnel surrendered to the Allies. The terms of The Instrument of Unconditional Surrender for Germany gave the Allies the ability to declare the German forces as "disarmed" and avoid giving the German Army prisoner of war status. The bulk of the German Army remained under German

administrative control and used German support, in so far as was possible. Some German officers, SS, and dangerous elements in the German Army received prisoner of war status and were removed from their units.⁹⁶

From V-E Day until 30 June 1947, prisoners of war or disarmed Germans treated similarly to prisoners of war labored under Allied control to begin the process of rebuilding Europe. German Service Units operated as company-level organizations with Allied Field Grade supervision. In February 1946, the Americans began releasing large numbers of prisoners of war. In June 1946, the Americans restricted the use of prisoner of war labor to those areas where civilian labor was not available. On 30 June 1947, the Americans released the last American-held prisoner of war in Europe.⁹⁷

e. Pacific Theater. The war in the Pacific was a war of few prisoners for the Allies. The Japanese soldier received indoctrination against surrender and usually preferred death to the dishonor surrender brought to his family. The U.S. captured so few prisoners of war in the Pacific that formal camps were not set up west of Hawaii until the invasion of the Philippines.

The few prisoners captured in the Pacific processed through Hawaii to prisoner of war camps in CONUS. The total number shipped to the United States did not exceed 2500

until December 1944, two months after the invasion of the Philippines and never exceeded 5500.⁹⁸ The scarcity of Japanese prisoners of war prompted the War Department to send 1000 Italians in Italian Service Units to Hawaii in June 1944 to offset a labor shortage in the islands.⁹⁹

In response to a request from the Department of State, the War Department established a small prisoner of war camp on Saipan in the summer of 1944. It contained only 124 prisoners, 50 of whom were Japanese and 74 Korean laborers. The State Department attempted to use the prisoners in an exchange with the Japanese. The exchange never occurred but the program went so well that the U.S. sent 600 more prisoners of war to Saipan as laborers. The program served as a model for a similar labor camp constructed on Guam in late 1944.¹⁰⁰

On 2 September 1945, Japan surrendered. Among other terms, the surrender document called for Japanese armed forces to perform duties such as clearing minefields, destruction of fortifications, and maintenance of military equipment pending its disposal.¹⁰¹

The surrender of Japan placed 260,000 prisoners of war in American hands in the Philippines. The influx of prisoners made new camps necessary. The Services of Supply, Army Forces in the Western Pacific took custody of the prisoners and built prison camps using the European camps as a model. A base camp held 1000 to 1500 prisoners and

provided oversight to smaller, branch camps housing about 150 prisoners. The branch camps were located near small labor sites and the base camps near large construction, trans-shipping, industrial, or agricultural sites. Locating the camps near the workplace reduced transportation requirements and improved security.¹⁰²

The United States began shipping prisoners of war back to Japan for repatriation on 12 October 1945. By the end of the year, 90,000 Japanese prisoners of war returned home. The value and usefulness of the Japanese prisoners in the Philippines, Hawaii, and even the few in CONUS made their repatriation an unpopular program. Commanders began to slow down the repatriation to take advantage of the working habits of the Japanese prisoners. On 8 August 1946, the Supreme Commander Allied Forces Pacific announced that all Japanese prisoners would be repatriated by the end of 1946. With shipments in October, November, and December the last 69,000 Japanese prisoners of war returned home and prisoner of war operations in the Pacific ended.¹⁰³

f. China-Burma-India Theater. As mentioned above, American forces operating in the China-Burma-India Theater turned enemy prisoners of war over to allies. The Chinese accepted prisoners of war captured by the Americans in China. In India and Burma, the United States' forces processed prisoners of war to the British.¹⁰⁴

g. Southwest Pacific. Until October 1944, in the southwest Pacific, enemy personnel captured by the American forces were turned over to the Commonwealth of Australia for administration and detention. The United States paid the costs of maintenance, primarily through lend-lease, but retained the "right of final disposition" of the prisoners of war.¹⁰⁵

On 20 October 1944, the United States forces invaded the Philippine Islands. After holding the prisoners of war in enclosures under division control, the landing forces were to evacuate the prisoners to the Services of Supply, Army Forces in the Western Pacific. The Services of Supply selected some of the temporary enclosures as permanent prisoner of war camps and built others where necessary. The living conditions were similar to those provided U.S. personnel operating in secured, rear areas. The number of prisoners of war interned in the Philippines did not exceed 20,000 until the Japanese surrender.¹⁰⁶

8. Determination of Success/Failure. Prisoner of war operations in World War II were successful. From its entry in the war, the United States tried to apply the letter and spirit of the Geneva Convention to its operations. For example, when the United States interned civilians at the beginning of the war, the United States treated them as prisoners of war with all the rights and privileges

that entails, even though the Geneva Convention did not promise that status.

The mortality rate among prisoners was less than .5 percent over the course of the war. Of the 425,871 prisoners interned in the United States, 858 died (.2 percent). Most of these died of natural causes but some were shot and killed when guards thought they were trying to escape.¹⁰⁷ The mortality rate was higher overseas with the majority of these prisoners dying from wounds received prior to capture.¹⁰⁸

The rate of escapes in CONUS and overseas was very low. The first escape in CONUS occurred on 5 November 1942 (an interned civilian). By August 1945, the number of successful escapes only totaled 2103. This represented only .4 percent of the prisoners held in the United States.¹⁰⁹ Most escapees were caught within twenty-four hours. The close working relationship between local, county, and state police; FBI; and the Provost Marshal General's office kept the number of successful escapes low even where the prisoners worked without guards or with just roving guards.¹¹⁰ The most famous escape, the "Faustball Tunnel," occurred as a challenge and a means to release physical and mental energy, rather than from an overwhelming desire to escape. When the last prisoners of war departed America

upon repatriation, only 28 Germans and 15 Italians were still at large.¹¹¹

The quick evacuation of prisoners of war from the front and the use of MP Escort Guard companies to guard prisoners of war when moving near the front prevented the prisoners from affecting the security of the front-line units. In the Pacific, the use of islands to the rear as prison locations prevented escaped Japanese prisoners from even approaching the front. The prisoner of war camps in CONUS, Europe, and the Mediterranean had so few escapes that the size of the guard force was reduced. There were no reports of escaped prisoners committing any act of sabotage or violence.¹¹²

The guard-prisoner ratio changed during the war from a pre-war assumption of 1:6 to 1:10 in Europe to 1:100 in secure areas of CONUS. Even in Europe where there was not an ocean between the prisoners and their homelands, the provost marshals recommended a 1:25 ratio.¹¹³ The changing ratio allowed the United States to devote fewer soldiers to guard duty than expected and thus strengthened the fighting forces.

The Americans' efforts to adhere stringently to the Geneva Convention avoided any real possibility of the enemy using prisoners of war for any political gain. The nature of the war, being total, also eliminated the possibility

that a political advantage could alter the outcome of the war. However, the fact that "maltreatment of prisoners of war" was among the charges for more than half of the persons tried for war crimes after World War II illustrates that political consequences of prisoner of war operations cannot be ignored.¹¹⁴

The low number of escape attempts, indicated by the continuous reduction in the number of guard personnel, illustrated the satisfaction of the individuals held as prisoners of war. But perhaps the greatest accolade of prisoner of war operations was the high number of Italian prisoners who stayed in Italian Service Units after their nation surrendered and declared war on Germany. In no other war has the United States engendered such loyalty from the prisoners of war.

There were two great success stories of the prisoner of war operations. The first was the amount and value of labor obtained from the prisoners of war. The savings to the United States amounted to as much as \$230,000,000. The labor also provided indispensable manpower at a time when the United States faced a severe manpower shortage. The second great success was the creation of effective organizations and command structures in a very short period of time to manage the prisoners of war. Although the training was sometimes insufficient, the parallel command and supervisory channels were conflicting, and the planning figures for

expected captures too pessimistic, the United States' prisoner of war operations were conducted to the benefit of the prisoners with their safety, care and rights protected.¹¹⁵

C. Korean War

1. Wartime Circumstances. The Korean War began on 25 June 1950 with a massive North Korean conventional attack across the 38th Parallel. The political intrigue which began at Cairo in 1943 when Roosevelt, Churchill, and Chiang Kai-shek promised the unity and independence of Korea thus erupted into war.

After Cairo, the Allied leaders discussed possible solutions to the Korean problem at Yalta. The leaders did not reach a decision at Yalta, but at Potsdam, on 26 July 1945, the Allied leaders agreed that the Soviet Union would receive the Japanese surrender in the northern part of Korea and the United States in the south. Planners drew a line near the 38th Parallel to mark the boundary of the surrender.

After the Japanese surrender, the 38th Parallel became a line of demarcation between Soviet and Western influence. The Joint Commission's inability to reach an agreement about the trusteeship of a united Korea led to the establishment of North Korea and South Korea as separate entities. Each Korea desired to reunify the peninsula under its control. In November 1947, the United Nations created

the Temporary Commission on Korea to supervise free elections throughout Korea. The Soviets boycotted the election and refused the Commission entrance into the North. The United Nations recognized the resulting government of South Korea but the Soviet bloc prevented entrance of South Korea into the UN. At the end of 1948, the two Koreas were firmly established as nations, but without UN status for either.¹¹⁶

The two Koreas were very different. North Korea had a population of approximately nine million and was relatively industrialized. Agricultural South Korea had a population of twenty-one million. North Korea was extremely mountainous, especially in the east, while South Korea had a few plains suitable for paddies and fields in the south and west.¹¹⁷

At the time of the attack, the North Koreans had a well-armed force of one hundred thousand soldiers with an equal number in reserves. North Korea had weapons and hardware from the Soviet Union, including approximately 100 modern tanks.

South Korea had a lightly armed army of about one hundred thousand. The United States armed the South Koreans. However, the American analysis of the Korean terrain indicated that armor would not be effective, so the South Koreans had no anti-armor weapons. The South Koreans also were extremely short of heavy artillery and had no tanks.

The United States had approximately 500 advisors in Korea at the time of the attack. In Japan, the United States had four divisions serving as occupation forces. Unfortunately, the divisions were understrength, poorly trained, and only lightly equipped. The American divisions also were short armor and heavy anti-armor weapons.¹¹⁸

In response to the North Korean attack, President Truman requested the United Nations' Security Council to sanction protection of South Korea from the aggressive North Koreans. Receiving United Nations sanction, the United States began to send forces to assist the South Koreans under the flag of the United Nations. More nations joined the United Nations Command, under the command of General MacArthur.¹¹⁹

On 25 November 1950, the Chinese entered the war. The stage then was completely set. North Korea and China versus South Korea and the United Nations, primarily the United States, competing in a war limited by geography, forces, weapons, and objectives.¹²⁰

2. Current International Law. By the opening of the Korean War, the nature of international law had changed only slightly since World War II. The genesis of the changes was instigation from the International Red Cross based on observed weaknesses in the 1929 Geneva Conventions. As the Nuremberg and Tokyo Trials ended their

work and the Cold War began in earnest, the nations of the world met in Geneva to prepare and sign the Geneva Conventions of 1949.

The 1949 Geneva Convention Relative to the Treatment of Prisoners of War made three improvements over the 1929 Convention. The first included in the definition of a lawful combatant those persons in a regular force not recognized by the detaining power. This improvement was made to cover members of organizations such as DeGaulle's Free French forces.¹²¹

The second improvement also lay in the expansion of the definition of a lawful combatant. The new terminology added wording protecting resistance movement members, and guerrillas, "operating in or outside their own territory, even if this territory is occupied."¹²² The absence of a recognized government, ownership of territory, or criteria of the organization's size or legitimacy did not prevent protection under the convention.

The third significant change from the 1929 Convention was the extension of coverage to armed conflicts "not of an international character" within a signatory's country. Although full protection as prisoners of war was not included, the final Article 3 included in the Convention included basic protection against murder, mutilation, torture, hostage taking, humiliating and degrading treatment, and execution without a just trial.¹²³

The United States signed the 1949 Geneva Conventions before entering the Korean War but had not ratified the agreement. Neither South or North Korea had signed or ratified the Conventions. The Communist Chinese claimed not to have ratified them either. Several of the nations contributing troops to the United Nations Command had signed and ratified the agreements. Therefore, although the United Nations Command, and by extension the United States, operated under the principles of the 1949 Geneva Convention¹²⁴, the belligerents in the Korean War did not assume that the Geneva Conventions of 1949 were in effect as a matter of law.¹²⁵

3. Strategic Aims of Combatants. North Korea intended to unify the Korean peninsula under Communist control. The war was to be conducted with speed and violence, without concern for the unnecessary limitations the Laws of War imposed. Therefore, the problems of prisoners of war would be of little concern to the North Koreans.

South Korea intended to at least protect the sanctity of the border at the 38th Parallel. If the opportunity presented itself, the South Korean government desired to unify the two Koreas, by force if necessary.

The United States aims paralleled those of South Korea, at least initially. The reestablishment of the 38th Parallel was the strategic goal. However, in the greater

political scheme of the world, the United States sought to contain the spread of Communism. If it failed in preventing the loss of South Korea, the United States hoped to buy time to strengthen defenses in Europe and rearm the West. The United States, acting for the United Nations, was very concerned with the application of the International Law as detailed in the Geneva Convention of 1949.

At the time of the Chinese entry into the war, China desired to ensure the continued existence of a North Korean buffer state south of Manchuria. The continued existence of a Communist North Korea was essential for eventual Communist unification of the Korean Peninsula. The Chinese intended to impose their will on the United Nations Command and force a settlement through a massive show of force. The tools of Chinese policy, the army and political force, would not be used solely on the battlefield. They also would be displayed in the prisoner of war camps.¹²⁶

4. Key Enemy Prisoner of War Issues. The language of the Geneva Convention identifies the personnel authorized protection as prisoners of war. In the Korean War, the question was not prisoner status but rather whether the belligerents would abide by the Geneva Convention at all. The United Nations attempted to institute policies that afforded all prisoners humane treatment that surpassed that required under the Geneva Convention. To maintain consistency, the United States assumed responsibility for

all prisoners of war captured in Korea (although the South Koreans maintained prisoner of war camps for some prisoners they captured). On 23 July 1950, less than a month after the opening of hostilities, the United Nations welcomed a senior delegate from the International Committee of the Red Cross to monitor compliance. With the exception of a few days at disparate times, the Red Cross representatives had access to any and all prisoner of war camps administered by the United Nations. The Communists never recognized the applicability of the Geneva accords.¹²⁷

The second main prisoner of war issue during the Korean War was the "forced" repatriation demands at the peace negotiations. The United States' policy on repatriation historically was not to force exchanged or released prisoners to return home after a war ends. (One exception to this was the large number of Italian prisoners in World War II that desired to stay in the United States and would have greatly exceeded the immigration quota.) The North Korean and Chinese governments insisted that all prisoners of war be returned to their control upon the cessation of hostilities. President Truman, believing in the right of individual self-determination, refused to compromise on the issue, even when his position caused the breakdown of the truce talks. The result of his principles may have extended the war - although there is no guarantee that concession on

this issue would have ended the war in spite of Communist rhetoric - but the final agreement included the principle of self-determination and provided the United States and the United Nations a great victory in the war of ideas.¹²⁸

5. Initial Structure for Prisoner of War Operations. On paper, the structure for prisoner of war camps remained constant from the successful World War II camps. The command and control structure above the prison camps remained constant as well. The result was a prison system designed to provide labor with little supervision in a situation where the prisoners were recalcitrant.¹²⁹

The 24th and 25th Divisions created prisoner of war enclosures upon their deployment to Korea and both held prisoners by the 15th of July. Eighth U.S. Army, Korea (EUSAK) established a more secure, although hastily constructed, enclosure outside Pusan under the command of the Pusan Base Command (later known as Pusan Logistical Command or 2d Logistical Command). On 8 July, work began on a "permanent" prisoner of war camp with a capacity of 500 prisoners. The 563d MP Company assumed responsibility for the camp and 27 prisoners of war on 24 July. On 26 July, the camp was designated as Camp EUSAK 1 and the enclosure known as POW Enclosure 1. The camp relocated to Tongnae on 5 August and the new plans included immediate expansion to house up to 10,000 prisoners. An MP Escort Guard and Processing Company assumed guard responsibility on 15 August

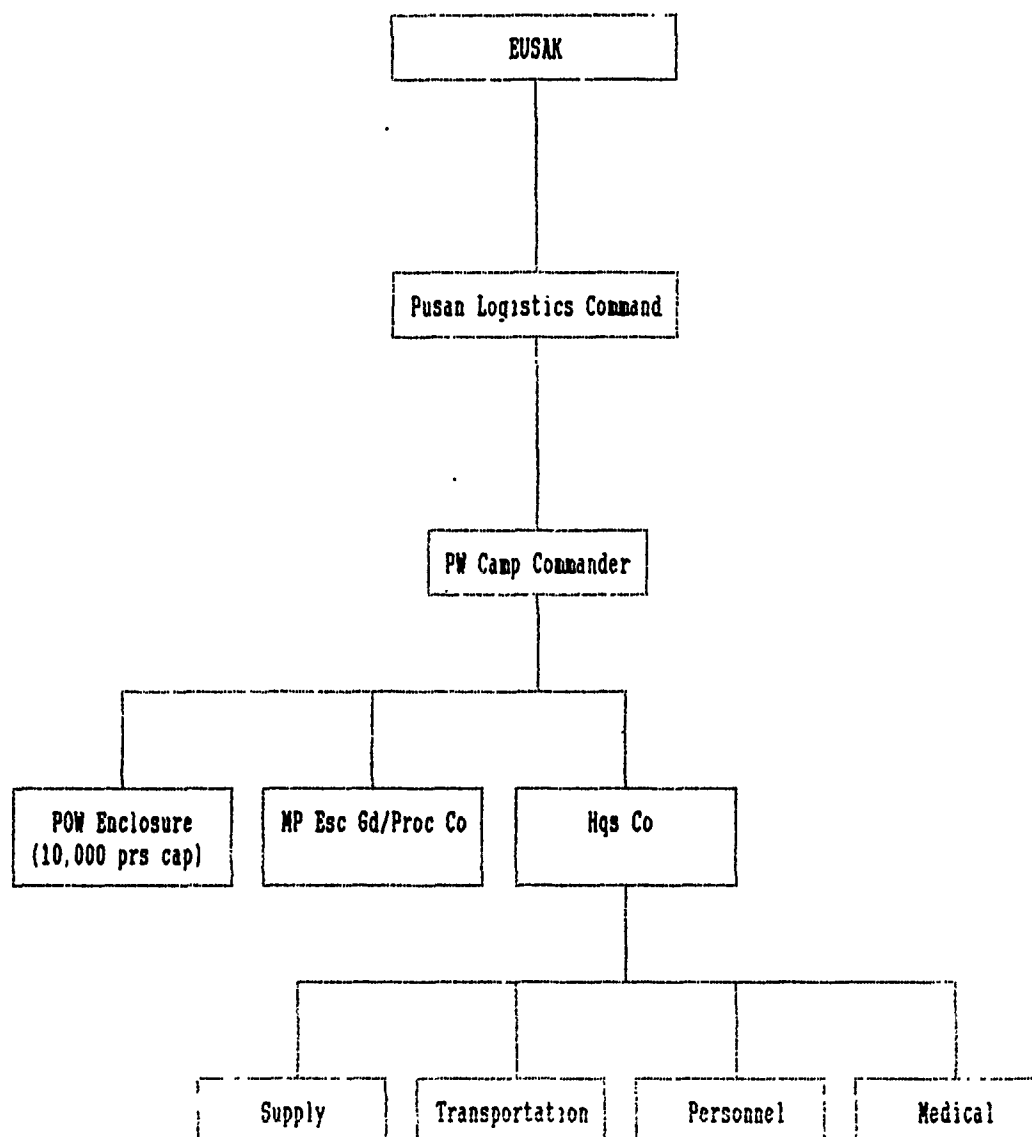
1950.¹³⁰ Administration of the camp, following the World War II labor model, fell on the Pusan Logistics Command.¹³¹ (Figure IV-10) The camp personnel, although the guards were Military Police, were not trained in handling prisoners of war.

6. Changes in Prisoner of War Organization During War. During the Korean War, many changes altered the organization structures of the prisoner of war enclosures, camps, and command relationships. Two primary influences were present in the changes: the idea that the war would short, and that World War II experiences provided a sound base for Korean War prisoner of war operational planning. Both ideas proved incorrect, but affected the organizations anyway.¹³²

The success of the Inchon landing and subsequent breakout from the Pusan Perimeter created a need for increased prisoner of war holding capacity. Camps were established to house 75,000 prisoners in Pusan and 50,000 in Inchon. A Smoke Generator Company established an enclosure in Inchon and rifle companies established enclosures in several areas.¹³³

On 10 July 1952, the organizational structure changed. The Commander-in-Chief, Far East created the Korean Communications Zone (KCOMZ). On 14 August, the KCOMZ commander created the Prisoner of War Command. The new

Figure IV-10
INITIAL KOREAN WAR ORGANIZATION



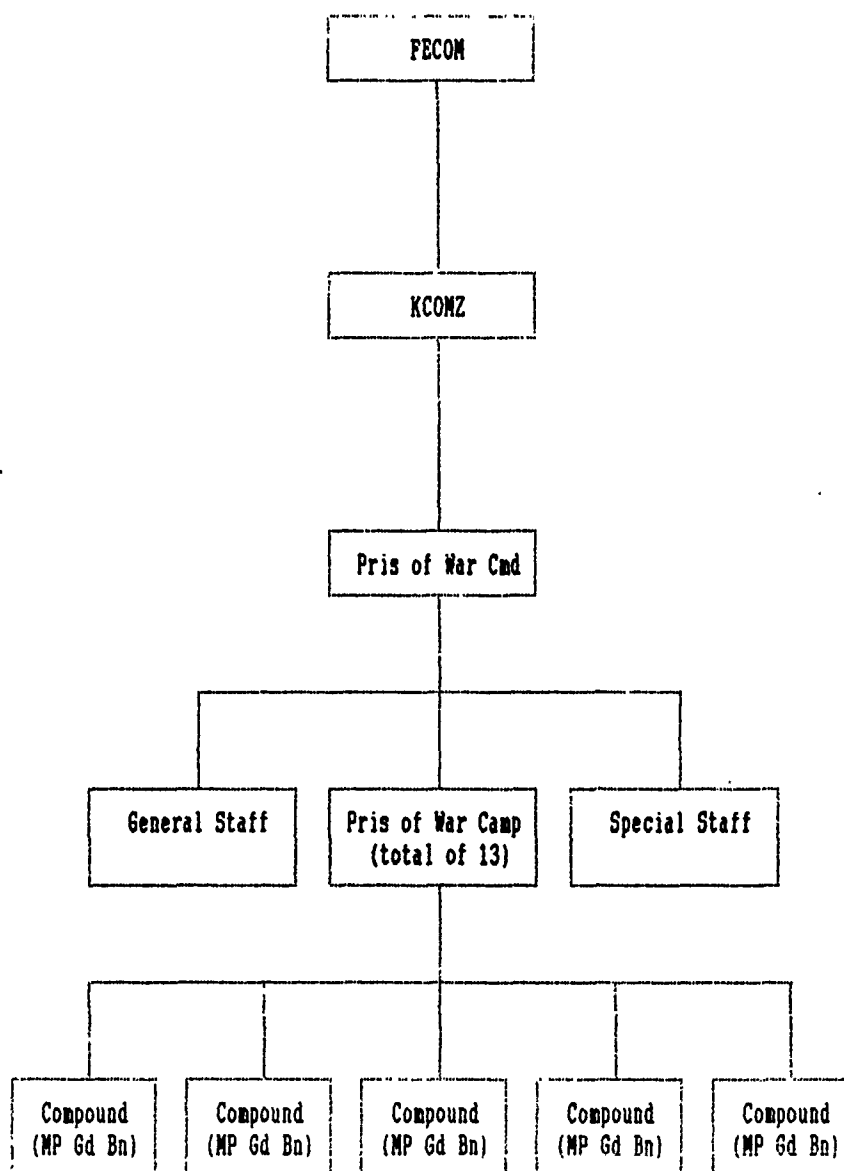
command included thirteen prisoner of war camps, a general staff, and a special staff.¹³⁴

The only other significant change in organizational structure was the creation of a second table of authorization for the MP companies. For MP companies guarding non-Communist soldiers, the number in the company was 1 officer and 27 enlisted; for Communist prisoners the table of organization called for 1 officer and 33 enlisted. The inability to provide security within the enclosure called for creation of another organization to maintain order. The new prisoner of war enclosure was subdivided into compounds of 5 battalions.¹³⁵ (Figure IV-11)

7. Summary of Enemy Prisoner of War Operations. From July to November 1950 the logistical, sanitary, security, and physical characteristics of the prisoner of war camps was very poor. The military police attempting to establish prisoner of war camps worked for the primary logistical support base of the Army's main effort. Prosecuting the war clearly was the Pusan Base Command's first priority. The nature of the war made transportation support haphazard and ration support almost impossible. The Korean prisoners frightened the American soldiers who spoke no Korean.¹³⁶

The soldiers assigned to guard the prisoners were "green" soldiers, usually but not always military police.

Figure IV-11
REORGANIZED KOREA EPW ORGANIZATION



The lack of training became apparent very quickly and the military police were augmented with combat troops, often Korean. The camps, however, were all administered by the U.S. to provide more consistent treatment.¹³⁷

By the end of October 1950, the U.S. had custody of 116,822 prisoners of war and civilian detainees. The 2d Logistical Command commanded prison enclosures at Inchon, Pusan, and Pyongyang. Fortunately, the prisoners were very docile, especially for Communist prisoners. In one case, 7 MP's escorted 520 Prisoners of War from a division collecting point to the prisoner of war camp. Three days later 2 MP's brought 115 more prisoners to a permanent camp.¹³⁸ In November 1950, the Communist Chinese entered the war and the number of prisoners being held rose dramatically.

From December 1950 until spring 1951, logistical support, food primarily, improved but overcrowding became a problem. The incident rate of communicable diseases rose significantly. The permanent prison camps all expanded during this period but front-line units evacuated to new positions farther to the south.¹³⁹

The rations fed the prisoners during this period were of higher quality than those fed to the prisoners' comrades in the North Korean Army. However, the diet of western-type rations and the lack of an oriental menu caused dysentery to spread. In late January, an oriental menu

received approval and the incidence of malnutrition dropped a bit. A big problem was that the prisoners often were malnourished before capture.

The sanitary conditions in the permanent prisoner of war camps were poor. The prisoners did not clean the camps properly, and tracked mud throughout the camps until order was restored by the guards. As winter approached, the American custodians issued winter-weight clothing and equipment to the prisoners. The poor conditions in the prison camps led the American government to clear land on Koje-do, an island off the coast of the Korean peninsula for a centralized prisoner of war enclosure.¹⁴⁰

The Far Eastern Command wanted to remove the prisoners of war from the area before they impacted on combat operations. The Joint Chiefs of Staff authorized the CINCFE to move the prisoners of war away from mainland Korea but prohibited the transport of the prisoners to the United States. The island initially expected to house 60,000 prisoners but could be expanded to hold 220,000 prisoners. The desire to move the prisoners was so great that the prisoners set up posts and wire themselves. Construction of the camp began on 1 February, 1951 and by the end of February, 53,588 prisoners of war transferred to Koje-do. In March, the prisoners from Pusan completed the move and by the end of the month, the prison population at Koje-do was

98,799. Some compounds were filled to 200 percent capacity.¹⁴¹

During the period following the transfer of prisoners of war to Koje-do and other prisoner of war camps in the south of Korea, the Communists began to lay claim to the prisoners themselves. A parallel organization grew up inside the camps and became the real power over the prisoners. To maintain some control, the prisoner of war camp commanders quickly learned not to allow the Chinese to have their way too often.¹⁴²

In November 1951, the truce talks began with the frontlines established near the 38th Parallel. Fighting continued in the form of limited, although extremely costly, attacks. Against the background of peace negotiations, the North Koreans ordered an offensive by the prisoners of war held by the United States.

After a period of rising tension, prisoners in Compound 76 rioted and took Brigadier General Dodd, commander of Koje-do, hostage on 7 May 1952. The MP company commander notified higher headquarters and three days later Brigadier General Colson (replacing Dodd) obtained Dodd's release. The release document admitted American mistreatment and gave the Communists lurid propaganda. After Dodd's release, Dodd and Colson retired as Colonels and Brigadier General Boatner took command of Koje-do.

Boatner immediately made plans to split up and move the troublemakers and then the whole enclosure. After the prisoners completed their move he cleaned out the camp. All prisoner of war camps in Korea came under a new command. General Boatner received assistance other commanders had not and built new enclosures. He moved squatter villages away from the camp. General Boatner was totally committed to regaining and maintaining control of the camp. General Boatner responded to the Communists tactic of using prisoners of war as weapons by attacking their weapons. The use of force when necessary was an option General Boatner had that previous camp commanders did not. He also had the trained manpower to accomplish his missions. From February 1952 to August 1952, 31 combat battalions were used at various times to gain and maintain control over the prisoners.¹⁴⁴

Violence continued in all United States prisoner of war camps; Kojedo was just the most memorable. For example, at Pongam-do, in December 1952, prisoners' demonstrations got out of hand and had to be put down with violence. Before the resistance collapsed, U.S. troops killed 85 prisoners/civilian internees.¹⁴⁵

There were several attempts at repatriation during the peace negotiations. On 20 April 1953, Operation Little Switch began to exchange sick and wounded prisoners of war. The United Nations would return 5800 prisoners, the

Communists 684. On 27 April 1953, the day after Little Switch ended, the negotiations began again with a new sense of urgency. On 4 June a proposal was effectively completed except South Korea would not sign because the agreement left Korea divided. In protest, on 18 June, President Rhee released all the North Korean prisoners in prisons under his control or guarded by South Korean guards. Surprisingly, the Communists still accepted the armistice. With promises of American aid, economic now and military when needed, South Korea finally signed on 27 July 1953. By 6 September 1953, in spite of continued Communist resistance and violence even up to the exchange points, the last of the 75,823 North Korean and Chinese repatriated prisoners had been exchanged in Operation Big Switch. Prisoner of War Command turned over non-repatriate prisoners to the Indian Custodial Forces from 8-23 September. On 20 November 1953, Far East Command ended prisoner of war operations by eliminating the Prisoner of War Command.¹⁴⁶

8. Determination of Success/Failure. Without any doubt, prisoner of war operations during the Korean War failed. From "insufficient preplanning"¹⁴⁷, to low quality officers and Non-commissioned officers in prison management¹⁴⁸, to untrained prison personnel¹⁴⁹, to a total lack of preparation for a war with Communist enemies, like many other aspects of the Korean War, the Americans were not

prepared. Even when the Inspector General prepared a "checklist" for prisoner of war camps and enclosures to assist commanders, the questions and items to check were things like satisfactory police, Unit Fund Regulations, and adequacy of visitor facilities. The only two significant items were level of command experience of senior MP officers and adequacy of training and command experience for junior Company grade MP officers.¹⁵⁰

The most telling statistics reflect the mortality rate of the prisoners. Of the 173,219 prisoners of war held by the United Nations forces, 3432 died (2 percent). Although many died of malnutrition and exposure from service before capture, a great many were shot by guards trying to maintain control. As many as 85 died in one incident.¹⁵¹

The risk to front-line units was great, especially from prisoner of war camps on mainland Korea. The fact that Eighth Army had to send 31 combat battalions to Kojedo to restore order indicates the severity of the threat.

Spontaneous conflict? Kojedo? Nothing more need be said. The blackest day in the American history of prisoner of war operations was 7 May 1952 when Brigadier General Dodd was taken hostage. No one will ever know the number of murders inside Kojedo (most were listed as escaped or missing). This illustrates the ultimate threat of violence within a prison camp and the crisis such crimes cause the detaining power.

The Americans constantly reacted to problems. The initial structure used for prison organizations was designed to monitor satisfied laborers with little propensity for escape or violence. Changes had to be made quickly as the war shifted. Eighth Army attempted to minimize the number of guard personnel to use available forces in the combat zone. When faced with the reality that the number of guards was inadequate, Eighth Army responded by using combat units. Although prompt responses to violence illustrated the ability of the United States to react with sound judgment, the inadequate prison organization remained a failure.

The most telling defeat was the inability of the United Nations and the United States to separate the prisoners from the politics of negotiation. After the forces reached a relative stalemate line, the war trundled on for two more years over the issue of repatriation. Kojedo and the loss of control on the island plagued the United States as the talks dragged on. It is sometimes not enough to afford proper Geneva Convention treatment to prisoners of war. If you can't prevent the intrusion of politics on your prisoner of war operations, you haven't succeeded.

D. Vietnam War

1. Wartime Circumstances. The United States first sent military advisers to Vietnam in 1949 to assist the French Union forces. After the withdrawal of the

French forces, the U.S. commitment of forces increased as Communist military activity increased. In early 1965, U.S. troop strength was 23,000. By the end of the year, U.S. ground combat troops had been introduced and 184,000 troops were in country. In 1969, 540,000 U.S. military personnel were in South Vietnam.¹⁵²

The United States was but one of four principle participants in the Vietnam War, or Second Indochina War. The Democratic Republic of Vietnam, or North Vietnam, was the legitimate government in the section of Vietnam above the 17th parallel. The National Liberation Front (NLF), the second participant, was the political element of the North Vietnamese that directed the military insurgent forces in the south, the Vietcong. The third participant was South Vietnam, or the Republic of Vietnam. Both the Democratic Republic of Vietnam and the Republic of Vietnam had claims as the true government of all Vietnam.¹⁵³ North Vietnam decided in 1959 to reunify Vietnam under a communist government. Therefore, the Vietnam War was an insurgency with the Vietcong (of the NLF) supported by regular forces from the Democratic Republic of Vietnam attempting to overthrow the Republic of Vietnam. The Republic of Vietnam, with U.S. support, attempted to destroy the insurgent forces, destroy the North Vietnamese forces, and preserve the entity of South Vietnam.¹⁵⁴

North Vietnam was favored by the geography of the region. The borders with Laos and Cambodia provided sanctuary for the Communist forces and limited the reactions of the American and South Vietnamese forces. The mountains and small villages provided areas relatively safe from large-scale, conventional attack. In terms of forces, the Communists employed guerrilla and regular forces in numbers approximately equal to the forces of the South Vietnamese and the United States.

2. Current International Law. In the years between the Korean War and the large-scale American involvement in Vietnam, international law did not change in any significant way. More nations signed and ratified the 1949 Geneva Conventions and interpretations of the various articles of the conventions were published. The United States and South Vietnam subscribed to the provisions of the 1949 Convention. North Vietnam ratified the 1949 Convention on June 28, 1957 but refused to apply its provisions since the war was merely an internal problem for South Vietnam and not a declared conflict.¹⁵⁵ The Vietcong refused to adhere to the Geneva accords because they claimed they were not bound by rules others made.¹⁵⁶

The length of the Vietnam War made concurrent events inevitable. Even as belligerents debated the meaning of the various articles of the 1949 Geneva Conventions, the United

Nations passed a series of resolutions in 1968 and 1969 to accord better human rights protection to civilians during armed conflicts. The Secretary General of the United Nations also recommended further actions and accords to detail rights of combatants during guerrilla wars and wars of national liberation.¹⁵⁷

3. Strategic Aims of Combatants. The Communists, North Vietnam and the National Liberation Front, attempted to forcibly reunify all of Vietnam under a Communist government. The plan was to weaken the government of South Vietnam through propaganda, intimidation, and violence and then, when the government control over the population was weakened, increase the level of violence through conventional large-scale attacks. The Vietcong and National Liberation Front would conduct the bulk of the operations.¹⁵⁸

The South Vietnamese desired to protect their country from the insurgency and invasion from the North while solidifying control of the population of South Vietnam. The Republic of Vietnam recognized the forces of the Democratic Republic of Vietnam as subject to the Geneva Convention but declared the Vietcong as insurgents and "armed rebels" deserving only punishment for treason.¹⁵⁹

The United States' aim was to train the South Vietnamese armed forces to withstand a conventional attack. The insurgent forces needed control by U.S. forces while the

South Vietnamese rebuilt their forces and gained public support. The primary goal was preventing Communist expansion in Southeast Asia. Placing the reputation and status of the United States on the line in Vietnam forced the United States to scrupulously follow the terms of the Geneva Convention or face a backlash of world opinion.¹⁶⁰

4. Key Enemy Prisoner of War Issues. In spite of voluminous writings on the applicability of the Geneva Convention to the Vietnam War, two issues dominated United States' prisoner of war operations during the Vietnam War: eligibility for prisoner of war status (described above) and transfer of prisoners of war from the United States to the Republic of Vietnam. (A third issue, repatriation of Americans held by the Communist forces, delayed negotiations and affected the American withdrawal from the conflict but is outside the scope of this paper.)

As the number of United States' personnel increased in 1965, the question arose as to the disposition of prisoners of war captured by combat units of the United States. The Geneva Convention permits the transfer of prisoners of war between allies as long as both nations confirm and protect the welfare of the prisoners. As a corollary issue, the lack of legitimacy of the Vietcong gave reason to question the necessity of affording Vietcong prisoners protection as prisoners of war. In any case however, captured

Vietcong were entitled to humane treatment. The United States resolved the problem by declaring that if North Vietnam was an aggressive belligerent and the Vietcong were agents of the North Vietnamese, captured members of the Vietcong and North Vietnamese forces would receive status as prisoners of war. The United States also decided would turn over prisoners of war to the Government of South Vietnam.¹⁶¹

5. Initial Structure for Prisoner of War Operations. Although the United States Army Military Police Activity completed a review of prisoner of war operations in 1964, the decision to transfer all Vietcong and North Vietnamese precluded application of American doctrine.¹⁶² The Americans captured and interrogated prisoners, evacuated prisoners to secure areas, and transferred prisoners to Republic of Vietnam Prisoner of War Camps.¹⁶³

6. Changes in Prisoner of War Organization During War. Significant problems within the South Vietnamese prisoner of war camp system caused the United States to intervene. Under the Geneva Convention, the prisoners captured by the United States could only be transferred to the South Vietnamese if the prisoners received adequate treatment and protection. The United States remained responsible for the humanity of treatment afforded transferred prisoners. South Vietnamese prisons were terribly overcrowded and understaffed. The South Vietnamese exacerbated

the situation by drafting guard and prison personnel and mixing prisoners of war with common criminals.

On 27 November 1965, the Vietnamese began construction of five new prisoner of war camps to hold only prisoners of war. The Vietnamese based the design of the camps on the new United States' plan. Under U.S. guidance, the Vietnamese completed the establishment and staffing of a Prisoner of War Information Center. The prison system organization structure consisted of enclosures to hold 1000 prisoners each with subcamps of 250 to maintain accountability.¹⁶⁴ In 1968, a separate camp was completed to hold all female prisoners of war. In April 1968, a special rehabilitation camp was completed for prisoners of war under eighteen. By the end of 1971, the prisoner of war system of South Vietnam held 35,665 prisoners in six camps and all civilian criminals were separated from prisoners of war.¹⁶⁵

The proponent for U.S. prisoner of war operations was the Military Assistance Command, Vietnam (MACV) Provost Marshal. The MACV Provost Marshal established a liaison program to place U.S. advisers at each South Vietnamese prisoner of war camp to assist in administration. The advisers also had a secondary mission - ensure that the Geneva Convention rights of the prisoners of war originally captured by U.S. forces received humane treatment.¹⁶⁶

7. Summary of Enemy Prisoner of War Operations. During the Vietnam War, the United States captured and turned over to the South Vietnamese 16,862 prisoners of war. After screening the prisoners, the South Vietnamese authorities released 1542 immediately as not being prisoners of war. 487 more were released after being held for a period of time, usually six months.¹⁶⁷

Throughout the war, the United States and the South Vietnamese attempted to establish a repatriation program for sick and wounded prisoners of war. After identification by the South Vietnamese, the prisoners proposed for exchange were interviewed by the International Committee of the Red Cross. Of those interviewed by the Red Cross, approximately 35 percent desired to return to North Vietnam. Although exchanges were made throughout the war, the North Vietnamese periodically stopped the repatriation efforts for political reasons by refusing to discuss the matter or by declining to accept the return of prisoners of war. Of the prisoners of war captured by the U.S. during the war, 129 were exchanged or repatriated as sick.¹⁶⁸

The United States also supported the Chieu Hoi amnesty program. The 1011 prisoners of U.S. responsibility released under Chieu Hoi were primarily under seventeen years old or were not viewed as hard-corps Vietcong.¹⁶⁹

Procedural changes made during the Vietnam War by the South Vietnamese (with U.S. assistance) greatly improved prison conditions and more closely approached Geneva Convention requirements. However, three problems plagued the prisoner of war camp system throughout the war. The first was the inaccuracy of the record-keeping on prisoners of war. The names and dates of capture were relatively accurate and the number of prisoners taken was not questioned. But the location, transfer, and final disposition of prisoners of war remained suspect.

The second problem was the civil defendant program. The quick release of civil leaders captured early in the war created a retaliation problem when the area where the prisoner was captured had not yet been secured. The government response, creation of a long-term detention camp system for civilians, was satisfactory. However, the use of existing prisoner of war camps until the new camps could be completed mixed military and civilian prisoners and increased the influence of the Vietcong in some locales.

The third problem with the new system was the situation at Phu Quoc Island Prisoner of War Complex. The prison camp was established on this island off the Cambodian coast as a central prison site in 1968. The overcrowded conditions, lax security, and ability to move from one area to another prompted American advisors to warn that another

"Kojedo" could exist here. Reflecting on Korean War experience, the Americans worked with the South Vietnamese to reestablish order and security at the camp. Most of the prisoners captured by U.S. forces went to Phu Quoc; of the 13,073 prisoners in custody in December 1972, 10,985 were being held at Phu Quoc.¹⁷⁰

8. Determination of Success/Failure. American prisoner of war operations during the Vietnam War were failures. The inability of the United States to adequately protect those prisoners turned over to the South Vietnamese may have been politically expedient, but probably cost needless loss and misery of life.

The death rate in the prisoner of war camps of the prisoners originally captured by the Americans was 3.5 percent (507 died out of 14309 held - this figure does not include the Chieu Hoi or reclassifications because they were not held in prisoner of war camps for extended periods). The prisoners' weakened condition prior to capture and battlefield wound increased the likelihood of death but does not fully explain the high rate.¹⁷¹

The rate of successful escape was .8 percent - too high given the remote site of the prison camps. Forcible release by the Vietcong (prisons were favorite targets) inflated this number but the acceptability of bribery among the guard force made escapes feasible. Escaped Vietcong

were very dangerous to front-line units and often instigated retaliation attacks against their former guards.¹⁷²

The guard-prisoner ratio started out very low at approximately 1:25. After the prisoner of war reforms of 1965, the ratio improved to about 1:10. The quality of the guards remained very low, often just uniformed thugs. The South Vietnamese government's program of drafting prison personnel made a bad situation worse. Not until late in the war, about 1970, did the South Vietnamese guards approach professional standards.¹⁷³

Little information on violence in the prison camps is available; however, 36 prisoners captured by United States remained in civil prisons in December 1972 for crimes committed as prisoners of war. The Americans could not succeed at reducing conflicts within the prisoner of war camps because of the South Vietnamese had control over prison operations.¹⁷⁴

The most significant failure of American prisoner of war operations during the Vietnam War was the inability of the United States to preclude the exploitation of prisoners of war in international politics. Again, as in Korea, the Communists aimed to achieve political goals rather than relieve suffering among the prisoners. The stalling tactics during negotiations, the MIA controversy, the refusal to accept repatriated prisoners, and the interminable posturing

about the applicability of the Geneva Convention placed the prisoners held by the South Vietnamese for the Americans in the center of the political battles.¹⁷⁵ The arrangements made by the Four-Party Joint Military Commission for the return of the prisoners of war and foreign nationals were the most notable accomplishments of that body, but did not make prisoner of war operations successful.¹⁷⁶

CHAPTER V

CURRENT DOCTRINE

A. Doctrine

The Enemy Prisoner of War (EPW) doctrine of the Military Police Corps combines the lessons learned from over 200 years of history with the Army's AirLand Battle doctrine. The Military Police "support the combat commander's mission to win the battle."¹ Enemy Prisoner of War Operations are one of four significant battlefield missions given the Military Police in support of the combat commander's mission. (The other three are Battlefield Circulation Control, Rear Area Security, and Law and Order.)²

The Military Police doctrine stresses the combination of humane treatment and tactical success. Recognizing that successful prosecution of AirLand Battle doctrine will result in large numbers of prisoners of war, the Military Police included evacuation of prisoners as a key element in the Enemy Prisoner of War doctrine. Assumption of the evacuation mission by the Military Police releases combat forces to the combat commander. The basic doctrine repeatedly stresses that in EPW Evacuation, Collection, and Internment missions the Military Police must account for, safeguard, and treat humanely enemy prisoners of war.³

The doctrinal planning and guidance include detailed discussion of medical support, processing tasks, prisoner control techniques (to include controlling uncooperative prisoners), supply responsibilities, and guard requirements. The 36 pages of doctrine contained in the Draft FM (Field Manual) 19-4-1 is nine times more information than the 4 pages of guidance contained in the September 1950 edition of FM 19-5. This comparison does not take into account the increased size of the pages in the Draft FM.⁴ The increased space devoted to EPW doctrine greatly improves the dissemination of the basic goals of the United States' policy regarding prisoners of war.

The proliferation of doctrinal guidance reflects two separate trends. The first is the increasing complexity of military operations. As the nature of American conflicts widen (Low intensity, high intensity, special operations, etc.) and the types of enemies multiply (uniformed soldiers, armed civilians, terrorists, insurgents, etc.), the situations faced by the military police in prisoner of war camps also will diversify.

The second trend is the recognition that prewar planning encapsulated in doctrinal guidance can prevent disasters during wartime. The more planning that occurs before the initiation of combat, the better cooperation between the various branches. Defining responsibilities and

procedures during peacetime also encourages increased competence.

To adhere to the international agreements signed by the United States, the EPW doctrine of the United States Army is based on five principles: humane treatment, prompt evacuation, provision of opportunity for interrogation, instruction of troops concerning EPW agreements and regulations, and integration of EPW procedures with combat support and combat service support tasks.⁵ Practice of these principles in peacetime allows the Military Police Corps to refine EPW tasks. These same principles and tasks are included in international agreements between the United States and potential allies (NATO) to prepare procedures for consistent treatment of prisoners of war (STANAG 2044).⁶

B. Organization and Force Structure. The current organization for Military Police units responsible for EPW operations reflects a building-block approach to meeting EPW requirements in many different environments. The key organizations are the MP Prisoner of War Brigade, the MP Prisoner of War Command, the MP PW Processing Company, the MP Guard Company, the MP Escort Guard Company, and the MP EPW/CI Battalion. The assignment of units to a theater depends on the maturity of the theater, the number of enemy prisoners of war anticipated, and the command structure of the theater.

The MP Prisoner of War Brigade normally is an integral part of the theater PERSCOM. The MP PW Brigade commands from two to six EPW camps to provide EPW confinement for all units operating in the theater. The Brigade consists of a Command Section, a Company Headquarters, a Brigade Staff, and subordinate EPW camps. If EPW are evacuated to CONUS, the PW Brigade will contain only those units necessary to evacuate EPW from the theater.⁷ (Figure V-1)

If the number of EPW exceeds the capabilities of the MP PW Brigade, an MP PW Command will assume command of two or more MP PW Brigades. The MP PW Command reports directly to the Theater Army Area Command (TAACOM). The PW Command also may be assigned to Forces Command in CONUS to assume control for EPW evacuated to the United States. The PW Command consists of a Headquarters Company and the assigned PW Brigades (or PW Battalions assigned directly to the PW Command).⁸ (Figure V-2)

The Military Police Prisoner of War Processing Company receives, searches, processes, numbers, and accounts for prisoners of war. It is assigned to the PW Brigade and normally is located in or near one of the Brigade's subordinate PW camps. The PW Processing Company consists of a company headquarters and three processing platoons. Besides ensuring an even distribution of prisoners going to each PW camp in the Brigade, the Processing Company assigns the Internment Serial Number.⁹

Figure V-1
MP PW BRIGADE

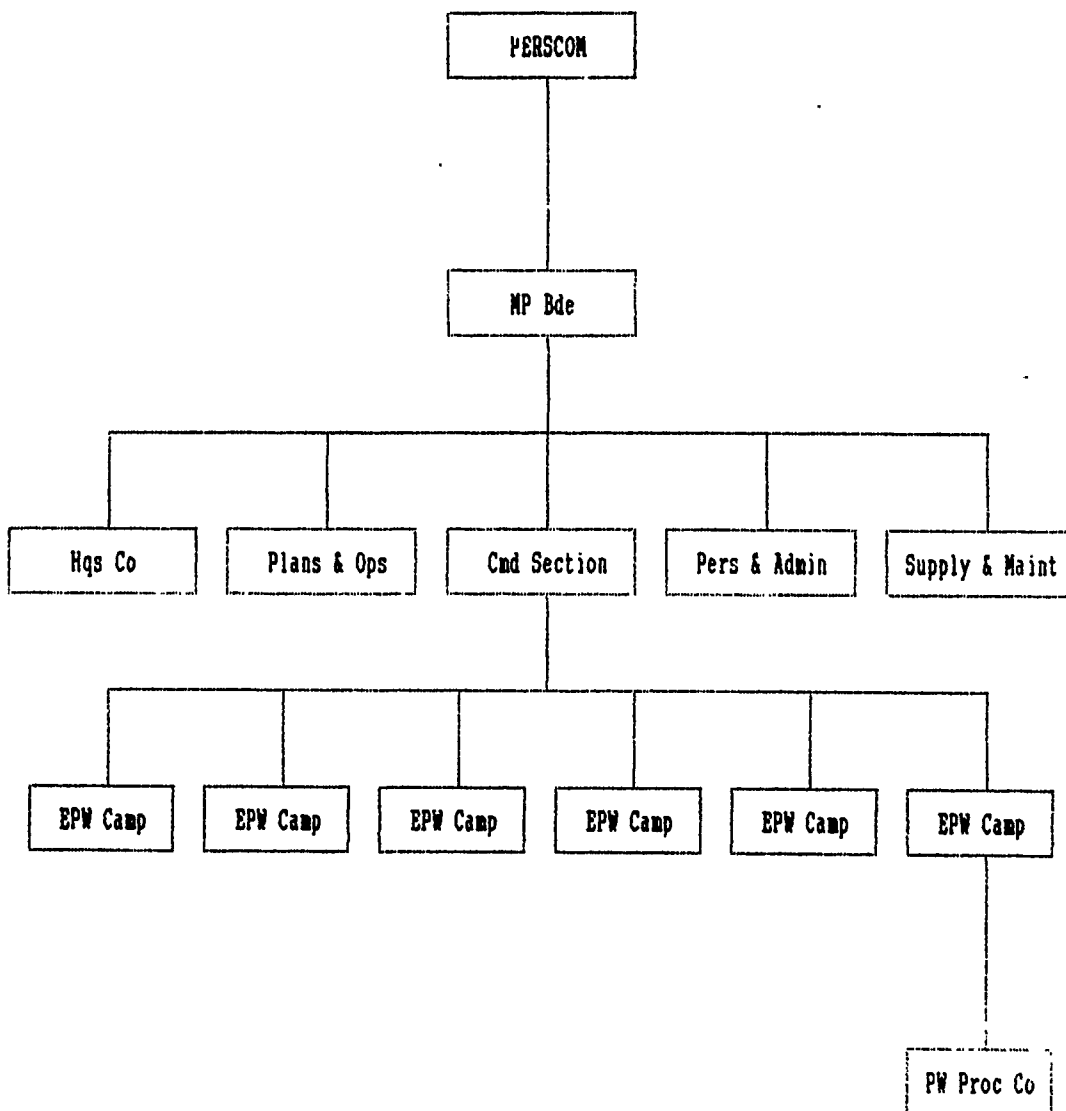
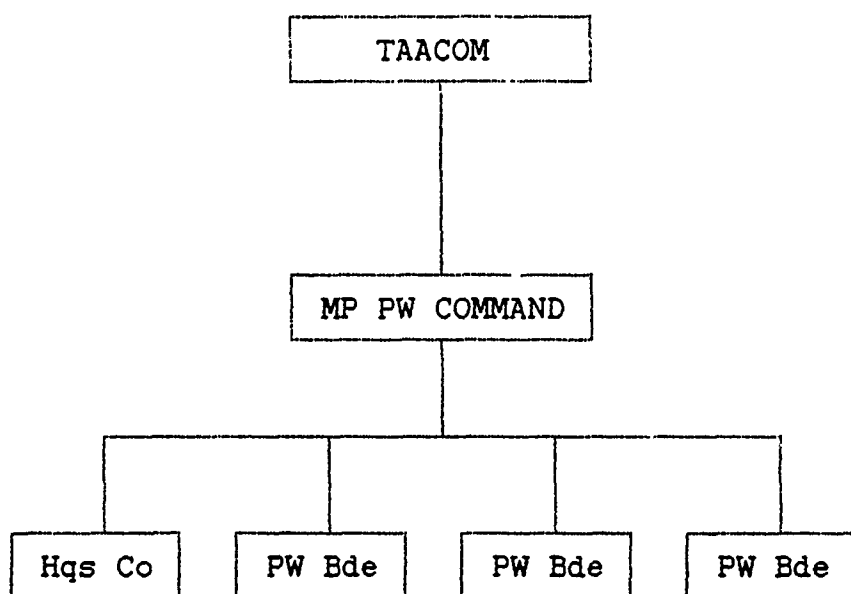


Figure V-2
PW COMMAND



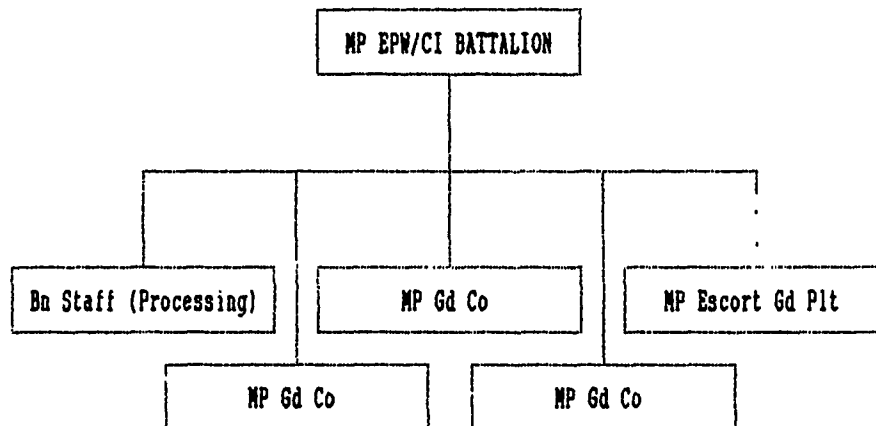
The Military Police Guard Company provides static guard services and security to PW camps. The company consists of a Company Headquarters, and three MP Guard Platoons. The MP Guard Company may be part of a composite Battalion at a PW camp or may be assigned directly to a PW Command.¹⁰

The Military Police Escort Guard Company provides security and supervision for prisoners of war under movement. The Escort Guard Company, with a Company Headquarters and three Escort Guard Platoons, can evacuate up to 2,000 prisoners of war by vehicle or 1,500 by foot. The MP Escort Guard Company normally is assigned to the PW Brigade to evacuate prisoners of war from the combat zone to the Communications Zone (COMMZ).¹¹

The Enemy Prisoner of War/Civilian Internee (EPW/CI) Battalion forms an alternative command and control structure to PW camps. The EPW/CI Battalion Headquarters provides processing support to subordinate PW enclosures, replacing the PW Processing Company. The EPW/CI Battalion can process and secure up to 4,000 EPW. The addition or removal of MP Guard Companies can increase or decrease the battalion's handling capability without altering the basic organization structure.¹² (Figure V-3)

The EPW camp has a capacity of 12,000 prisoners of war with three 4,000 PW enclosures. Each enclosure consists

Figure V-3
MP EPW/CI BATTALION



of eight 500-PW compounds. The PW camp consists of a camp headquarters, three MP Guard Companies, one MP Escort Guard Company, and possibly a PW Processing Company. The companies may be organized into an MP Battalion (EPW/CI).¹³

The doctrinal structure for prisoner of war operations is flexible, consistent with the Tables of Organization and Equipment (TOE), and compatible with the AirLand Battle doctrine. The problem is that almost the entire EPW structure is in the Reserve Components. All Military Police units have EPW Operations as part of their evaluation guidelines under the Army Training and Evaluation Program (ARTEP), but the only units dedicated to EPW missions full-time are part-time units.¹⁴ The impact of this decision is to either deploy under-trained Military Police units to conduct EPW operations, activate Reserve Component EPW units, or accept the political and combat risks involved in diverting combat units to EPW operations.

C. Grenada Invasion. Although the United States did not commit massive forces to the invasion of Grenada, Operation URGENT FURY provided a test of current enemy prisoner of war doctrine and organizations. The short duration of the operation makes comparisons with the previous conflicts difficult, but not impossible, although some indicators lose their value.

1. Wartime Circumstances. On 25 October, 1983, the United States led a multi-national force to invade the island of Grenada. Operation URGENT FURY set the equivalent of 7 1/2 battalions (U.S. and Caribbean Peacekeeping Force) against 10 battalions of Cuban and Grenadian forces. The action resulted from increased tension in the area. threats to American medical school students on the island. and the increased Cuban influence on the island.¹⁵

2. Current International Law. The Vietnam War and the Arab-Israeli War of 1967 illustrated gaps in the existing international law framework concerning international insurgency conflicts. The General Assembly of the United Nations and the International Red Cross proposed additions to the 1949 Geneva Conventions.¹⁶

The additional protocols, Protocols I and II, expand on the applicability of the provisions of the Convention. Protocol I includes protection of victims of international armed conflicts including peoples "fighting against colonial domination and alien occupation and against racist regimes."¹⁷ Protocol II expands the protection to those involved in non-international armed conflicts. Although the additional protocols supplement the 1949 Convention, the enforcement mechanism for ensuring protection and humane treatment of prisoners of war remains the Protecting Power.¹⁸

3. Strategic Aims of Combatants. The Grenadian and Cuban forces attempted to prevent the intervention from being successful by energizing the population to resist. The United States and Caribbean Peacekeeping Force attempted to separate and eliminate the Cuban and Grenadian forces, protect and evacuate the students, and restore a democratic government to the island. The safety of the students was the highest priority for the invading forces.¹⁹

4. Key Enemy Prisoner of War Issues. The only issue of any importance was the granting of prisoner of war status to the detainees. The United States declared that those Cubans under arms that were captured and the members of the Grenadian People's Revolutionary Militia and People's Revolutionary Armed Forces that were under arms when captured would be treated as prisoners of war. This decision was in effect on 25 October as the invasion began.²⁰

5. Initial Structure for Prisoner of War Operations. The United States did not deploy any Enemy Prisoner of War units to Grenada. The Military Police Company of the 82d Airborne Division formed the nucleus of the EPW organization. The first organization was one squad of the 82d MP Company acting under the control of the Division Deputy Provost Marshal.²¹

6. Changes in Prisoner of War Organization During the Conflict. The number of civilian detainees, refugees, and prisoners of war made increasing the EPW operational element necessary. Late on 25 October, a one-half battalion-sized element from the Caribbean Peacekeeping force augmented the one squad holding EPW. On 28 October, the 118th Military Police Company relieved the Caribbean Peacekeeping Force and the single U.S. MP squad.²²

7. Summary of Prisoner of War Operations. The operation only lasted ten days. During the ten days, the U.S. captured 605 Cubans and 58 Grenadians (many more were simply disarmed and released).²³ The U.S. also captured and immediately repatriated 49 Soviets, 17 Libyans, 15 North Koreans, 10 East Germans, and 3 Bulgarians.²⁴

The initial EPW were held at the Port Salines Airfield in very overcrowded conditions. On November 1, the conditions at the EPW confinement site became so bad that the 118th Military Police Company and the 307th Engineer Battalion built a full confinement facility nearby to house more than 600 EPW. The conditions that forced the move included overcrowding, poor sanitation, and inadequate food preparation equipment.²⁵

On November 3, evacuation of Cuban EPW to Cuba began. Repatriation was complete by 10 November, 1983. President Fidel Castro welcomed the Cuban soldiers home by

exclaiming that the world would not ignore the terrible, life-threatening conditions they endured in the EPW camp.²⁶

8. Determination of Success/Failure. Operation URGENT FURY was successful. The EPW operations were not as successful as the overall operation. Although no prisoners died (the time in internment was also very short), the lack of prior planning led to complaints by the International Red Cross. The care provided was not inhumane, but it was inadequate and short-sighted.

The short duration of internment invalidates the objective measures of success set forth in Chapter 1. However, the image of the United States suffers when EPW operations give the impression that the United States will not abide by the Geneva Conventions. The United States must ensure that political morality is not threatened by inadequate execution. The erosion of the "moral high ground" by the apparently valid International Red Cross complaints indicates the failure of the EPW operations. It is not acceptable to merely provide better care than the enemy; the reputation of the United States requires absolute adherence to the letter and spirit of the Geneva Conventions.

The Military Police who conducted the EPW operations handled the evacuation and escort operations well - missions they had specifically trained for - but did not perform the processing and camp functions as well. The result was not surprising; innovation does not replace training and

preparation. The problem lays not with the 82d or 118th Military Police Companies. Rather, it lays with the strategists and planners who did not accurately forecast the number of enemy prisoners of war involved and did not properly structure the invasion force to conduct enemy prisoner of war operations.²⁷

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions. I included the conclusions reached regarding each conflict in the discussions of prisoner of war operations. Summary conclusions regarding prisoner of war operations throughout the American experience follow.

The evidence is overwhelming that the United States has attempted throughout its history to act with humanity in the treatment of enemy prisoners of war. This is not to say that the policies placed into effect always achieved success. There is no evidence to suggest, however, that the failures of American prisoner of war operations were in any way premeditated.

This also is not to conclude that the life of a prisoner of war held by the United States, or any other country, is an easy one free from all concerns. During even the most successful prisoner of war operations, some prisoners die and some receive abuse. Isolated incidents of mistreatment occurred during all American involvements in conflicts. However, they were not a matter of U.S. policy. The effect on the individual prisoner, however, remains the same and poor, unsanitary, and deprived conditions did occur. During the analysis of American enemy prisoner of war operations, I concentrated at the summary level which

might imply ignorance or avoidance of a harsher reality. Rather, the overall results prove that in spite of individual cases of mistreatment, the reality is a history of humane, not luxurious, treatment.

The United States consistently applied the principles of the prevailing international law to prisoner of war operations. In many cases - the Treaty of Amity with Prussia and the development of the Lieber Code - the United States led the other nations of the world. The American experience with international law has been positive and has improved conditions for prisoners of war around the world.

The American history of protecting prisoners from the effects of political pressures is less positive, however. The "Convention Prisoners" of the Revolution, hostages during the War of 1812, threats of execution and enslavement during the Civil War, and segregation by political affiliation during World War II are examples of American attempts to exploit prisoners politically. To gain political converts through good treatment may demonstrate humanity but the use of coercion and harsh treatment on individual soldiers for political purposes marks the erosion and loss of morality. The enemy of the United States is not the soldier, whether on the battlefield or in a prison camp, but is the state which that soldier represents; a fact obscured and misplaced too often in American military conflicts.

The determinants of success for prisoner of war operations are varied, but definable. Three key considerations often determine the success or failure of the organizations handling prisoners of war. The first consideration is the type of organizational structure established to manage and oversee the prisoner of war operation. The organization must have clearly defined lines of authority and responsibility without undue "supervision" from leaders or elements outside the "chain of command." Informal staff supervision or dual reporting chains confuse the personnel attempting to run the prisoner of war program and make fixation of responsibility difficult, if not impossible. The convoluted structure of the Confederate prison system during the Civil War illustrates the futility of operating a "system" with overlapping and competing lines of authority. During the American Revolution, the inability of the fledgling American government and army to create a prison system without state interference precluded successful operations.

The organization structure also must allow the organization to concentrate on the mission of taking care of the prisoners without undue political pressure being applied. The organization must be able to apply its energy to safeguarding the prisoners, providing housing and sustenance, and preventing escapes or spontaneous conflicts within the prison. The provost marshals' ability to supervise prisoners without undue political pressure or

interference created success during prisoner of war operations in World War I. Although otherwise successful, the prisoner of war operations during the War of 1812 were hampered by political interference (hostage and retribution policies); the Commissary General of Prisoners achieved success only by communicating to his deputies explicit instructions that diluted the effects of political pressure.

The second determinant of success proved to be the quality of the personnel performing guard duties. The use of militia, aged, infirm, or too-young personnel as guards proved disastrous. Improperly trained guards could not properly understand that prisoners of war were not criminals; they were soldiers who were unfortunate and, through no fault or malice of their own, became the wards of the detaining power. The best guards proved to be military policemen trained specifically as guards for prisoners of war (World Wars I and II). The worst guards were those placed in charge of Civil War prisons for they were not only not combat fit, but were not trained to treat prisoners with honor. The guards selected for duty at Korean War prisoner of war camps also were untrained and unprepared for their duties. Local jail or prison authorities housed and maintained prisoners of war during the War of 1812 and the American Revolution and were at least moderately successful: the relatively small numbers of prisoners involved

notwithstanding. The use of combat soldiers as guards has proven acceptable, even necessary at times, but not optimum.

The guard-prisoner ratio is important, but appears to be a corollary to the quality of the guards. Although one guard per ten prisoners (a 1:10 ratio) was the frequently used guideline, the results were decidedly mixed. Both Union and Confederate prisons in the Civil War used the 1:10 ratio at times (even at Andersonville) with different results. In World War II, the ratio decreased to 1:25 in European camps to 1:100 in CONUS without a loss of control. In Korea and in Vietnam, the ratio began at 1:25 and increased to 1:10 to regain control. The obvious conclusion is that the guard-prisoner ratio must increase with improperly trained or poor quality guard personnel.

The most important consideration in determining success or failure proved to be the flexibility of the organization in meeting adversity and overcoming problems. The organizations created for World War I functioned smoothly regardless of the location or mission. The same type of units performed labor missions under Allied control, labored for American units under American control, and sat out the remainder of the war in CONUS. The results were a death rate of less than .2 percent, an escape rate of less than .2 percent, and no impact on combat operations.

The inability of the prisoner of war organization to adapt to changing situations in the Korean War set the stage

for the riots at Kojedo. The results in the Korean War were a prisoner death rate of at least 2 percent (ten times higher than during World War I), an escape rate unclear even today, and significant impacts on frontline forces (combat units had to be sent to Kojedo to reestablish and maintain control). The organizations established must be logical, adaptable, controllable, and responsive to be successful.

The more effective the American prisoner of war organizations become, the less international politics can influence attainment of United States' goals. The inability of the United States to control Kojedo and demonstrate humane treatment had significant impacts on the truce talks. The North Korean and Chinese leaders understood the effect violence could have on the political process and continued the violent attacks on American control up to the actual repatriation.

The United States has used many forms of organizations for prisoner of war operations during conflicts. From the local jails in the Revolutionary War to the prison hulks in the War of 1812 to the labor camps under Allied control in World War I to the large labor camps in CONUS during World War II to the island camps in Korea, the United States continually strove to provide humane, equitable, and honorable treatment to enemy prisoners of war. The types of organizations (and even specific organizations within a

type) have produced different degrees of success or failure. However, the number of enemy prisoners of war refusing repatriation at the conclusion of the many wars and conflicts (some like the Hessians in the Revolution and the Italians and Germans during World War II even attempted escape to remain in the U.S.) attests to the impression imparted to the prisoners that the United States attempted to treat them well.

B. Recommendations. I limited recommendations to doctrinal, force structure, and further study recommendations. I did not intend them to be all-inclusive; rather, I intended them to be supportable by the weight of the information provided in the previous five chapters.

1. Doctrine. The prisoner of war doctrine for the United States' prisoner of war operations is sound. The evacuation of prisoners from the combat zone under Military Police control releases combat troops from this task and increases the combat commander's chances of success. The Military Police organizations are structured to provide accurate and rapid processing of enemy prisoners, quick evacuation to rear areas, and protection from enemy intervention.

I have three concerns and subsequent recommendations regarding prisoner of war operational doctrine. The first is the continued reliance on evacuation to "rear areas." The AirLand battlefield is likely to be non-linear,

regardless of the level of intensity of the conflict. The Military Police structure cannot protect prison camps from sustained enemy attacks in the "rear areas." The doctrine must address immediate evacuation from the theater of prisoners of war. Since doctrine drives force structure, the change first must come to doctrine then add MP Escort Guard Companies to the force structure to accomplish the mission.

My second doctrinal recommendation is to review and update the tables used by staff officers and commanders to predict the number of prisoners taken in planned operations. The tables have proven inaccurate (especially after D-Day) and don't apply at all to situations like Grenada where the United States can use overwhelming force. Accurate projections would allow the Military Police to establish prisoner of war camps and facilities that are adequate and sanitary. Realistic predictions can preclude situations like Grenada and the overcrowded Normandy beachhead.

The third recommendation regards psychological operations (PSYOPS) aimed at prisoners. These operations should be included in the doctrine to allow staffing of sections to perform psychological operations within the camps. Humanely treated prisoners of war are vulnerable and may become extremely useful when they believe they will continue to receive good treatment and their resistance weakens. Transfer to CONUS is also a significant adjunct to

the PSYOPS campaign. Currently, PSYOPS may be conducted within a prison camp with outside personnel assistance but the doctrinal base is not complete. Anticipated American fair treatment upon capture can significantly weaken resistance of enemy frontline forces (as in Italy and Germany during World War II). Although potentially effective, a PSYOPS campaign conducted against enemy prisoners of war cannot create the image of political exploitation less the goal be lost or used by the enemy as "proof" of American duplicity and inhumanity. The United States has not sufficiently incorporated the effects of "the conflict waged by and against prisoners of war."¹

Robert H. McIntosh proposed a more far-reaching doctrinal change in prisoner of war operations in 1971. He contends that the nature of warfare between nation states of differing sizes and capabilities to wage war subjects the prisoners to undue possibility of deprivation and mistreatment. His approach is to evacuate prisoners of war to a neutral third-party who would protect and maintain the prisoners of war until repatriation. Colonel McIntosh proposes the use of a United Nations multi-lateral force to act as the third-party. The humanitarian advantages of his proposal outweigh the loss of political leverage from relinquishing control of the prisoners. The proposal itself is beyond the scope of this study; but its adoption would greatly enhance the treatment provided prisoners of war,

would significantly alter the Military Police doctrine on prisoner of war operations, and uses as its base the current prisoner of war camp organizations designed by the United States.²

2. Organization and Force Structure. I recommended above doctrinal changes to support organizational changes in the force structure - additional Escort Guard Companies and PSYOPS personnel. However, the most significant force structure change needed is the activation of at least some Military Police Enemy Prisoner of War units. Even during Vietnam, the lack of an active prisoner of war processing unit caused loss of accountability of U.S.-captured Vietcong prisoners.³ Currently, all prisoner of war units are in the reserve forces. This leads to "best of bad" decisions for operations officers planning United States' commitment of forces. The planners must decide whether to activate reserve units (a significant political decision), use other partially-trained Military Police units, or let the combat commander resolve the problem. The third option is normally not viable in any action where prisoners of war are expected because the combat commander does not want to tie down combat power. The second option was chosen for Grenada with the resulting international complaints. The United States needs active Military Police units that are fully trained and equipped for enemy prisoner

of war operations to be a viable moral force in the international arena.

3. Further Study. The information and documentation reviewed for this study opened as many questions as it probably answered. The methodology used proved successful, but the limitations of time and access to documentation precluded the completion of an accurate statistical analysis. I therefore relied often on anecdotal proof rather than statistical analysis. I have three recommendations for further study along the model presented in this paper.

(a) The information on mortality and escape rates should be adjusted to use man-days as a base to provide a truly accurate picture. Prisoners who are interned for long periods of time have different prospects for escape or death. Comparing prisoners held for only a few days equally with those held for years provides a slanted view (for example, Grenada versus World War II). The results may be the same but the statistical accuracy provided would be reassuring.

(b) The information from the early wars contained in this paper is admittedly sketchy. The need for a thorough review of diaries, letters, and official reports remains. The information must be gathered camp by camp or by assimilating the reports of the prisoner agents. Completion of this information would provide historians with

a base of knowledge useful for drawing many conclusions regarding prisoner of war operations in the early period of the history of the United States.

(c) The mortality and sickness rates of cantonment camps near the prison camps would provide researchers a solid base of comparison with the prison camp experiences. My original intent was to conduct this analysis in this paper; however, the lack of consistent, accurate information precluded my accomplishment of this comparison. I believe the concept is valid - that the mortality rates of prisoners should approximate those of nearby soldiers in bivouac - but the time available did not permit the development of that data.

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